

# Nuclear and Radiation Safety Law of Georgia

## Chapter I. General Provisions

### Article 1 - Scope of the Law

1. This Law shall govern legal relations between public authorities and natural and legal persons performing activities related to nuclear and radioactive materials and other sources of ionizing radiation as well as other measures to protect (defend) against nuclear materials and other sources of ionizing radiation.

2. This Law shall lay down:

a) security principles for performing activities related to radioactive materials and other sources of ionizing radiation and any other activity causing radiation exposure

b) a system of protecting humans and the environment from a harmful exposure to ionizing radiation

c) obligations to implement measures to reduce exposure to radiation resulting from a radiation accident

d) obligations to safely handle radioactive waste

e) obligations to develop and implement, to the extent possible, natural radiation exposure reduction measures

f) state control and supervision over the following nuclear and radiation activities related to radioactive materials and other sources of ionizing radiation (other than the use of the sources of ionizing radiation for military purposes):

f.a) production, possession, retention, use/consumption, import, export, transit, and transportation of radioactive materials, as well as export and import of nuclear technologies and nuclear technological novelties

f.b) selection of lands, designing, radiation safety assessments, business or business project modifications for nuclear and radiation facilities, removing from service and decommissioning of nuclear and radiation facilities

f.c) reprocessing, storage/warehousing, and placement of nuclear waste

f.d) use of the sources of ionizing radiation in medicine, industry, and scientific research

f.e) any other activity related to the sources of ionizing radiation (including the activities related to the commissioning, maintenance of nuclear and radiation facilities, extraction of minerals, matters related to uncontrolled radioactive sources).

3. This Law shall not apply to radioactive sources and activities removed, released, or excluded from regulation, the levels of which shall be fixed by the normative act Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionizing Radiation. In special cases, depending on the actual situation, a regulatory authority shall be entitled to fix different values of the levels for the given case.

## Article 2 - Goals and objectives of the Law

1. The goals of this Law shall be as follows:

a) ensuring a peaceful use of nuclear materials, the relevant equipment and machinery by adhering to their non-proliferation condition;

b) laying down basic requirements for the safe handling of nuclear materials and other sources of ionizing radiation;

c) ensuring the avoidance and prevention of all illegal activities related to nuclear materials and other sources of ionizing radiation in compliance with the legislation of Georgia and commitments of Georgia under international agreements;

d) ensuring the safety of all types of activities related to nuclear materials and other sources of ionizing radiation and the use of such nuclear materials and other sources of ionizing radiation for only peaceful purposes, protecting humans and the environment from a harmful exposure to ionizing radiation in compliance with the legislation of Georgia, including the Constitution of Georgia, and commitments of Georgia under international agreements.

2. The objective of this Law shall be to ensure the fulfillment of nuclear and radiation safety requirements across the territory of Georgia through harmonization with international standards

## Article 3 - Definition of terms

1. Emergency exposure – irradiation, to which a natural person was exposed during an emergency. For persons involved in emergency mitigation measures, it is a total value of the irradiations, to which such persons are exposed in extra and normal working conditions due to such emergency.

2. Emergency area – a specific area, where special measures are implemented to mitigate the consequences of a radiation accident subject to the nuclear and radiation safety requirements.

3. Authorisation – the procedure, under which the regulatory authority issues the relevant document (licence and permit) to grant authority for performing nuclear and radiation activities.

4. Nuclear non-proliferation safeguards – a system of obligations based on an agreement between the International Atomic Energy Agency (IAEA) and its member-countries, under which a member-country shall not use nuclear materials for military purposes, and the International Atomic Energy Agency may exercise control over the fulfillment by the member-country of its obligations under the agreement.

5. Nuclear and radiation facility – a facility (including structures and equipment), where the sources of ionizing radiation are handled.
6. Nuclear and radiation safety – the integrity of organisational and technical measures ensuring the protection of humans and the environment from a harmful exposure to ionizing radiation.
7. Nuclear and radiation safety assessment – a comprehensive assessment of ensuring the nuclear and radiation safety of a licensable activity.
8. Nuclear (fissile) material – uranium-233; uranium enriched with uranium-235 or uranium-233; the uranium containing these isotopes, the composition of which matches that of natural uranium but is not ore or ore waste; depleted uranium; plutonium other than plutonium-238, in which isotopic concentration exceeds 80%; thorium in the form of metal, alloy, sample, chemical admixture or concentration; any material becoming fissile as a result of the interaction of its constituent isotopes with neutrons and generating ionizing radiation during nuclear fission.
9. Natural radiation – the aggregate of radiation of radionuclides in nature and cosmic radiation.
10. Observation area – the area not being a control area, where occupational radiation exposure is monitored despite the lack of radiation protection and special safety requirements.
11. Permissible dose limit – a limited, not-to-exceed value of the dose of ionizing radiation absorbed by an individual as a result of performing practical activity.
12. Decommissioning – the aggregate of administrative and technical measures intended to remove, in whole or in part, from regulatory control a nuclear and radiation facility (other than a radioactive waste dumpsite, the facilities accommodating the equipment generating ionizing radiation, the enterprises reprocessing mining waste and radioactive sources that can discontinue their activity without decommissioning).
13. Qualified expert – a natural person who, based on a certificate, professional licence or on academic qualification and experience obtained from competent institutions, is duly recognized as a person authorised to conduct an examination in the relevant field.
14. Ionizing radiation – the radiation capable of creating ion pairs in the environment.
15. Generator of ionizing radiation – any installation or part thereof not containing radioactive materials but technically capable of generating ionizing radiation.
16. Source of ionizing radiation – any radioactive substance or any installation containing or generating such substance that radiates or is capable of ionizing a substance through radiation.
17. Regulatory control – any form of control and regulation by the regulatory authority of nuclear and radiation facilities or activities, the aim of which is to determine the compliance of ionizing radiation protection and/or security and protection of radioactive sources with the existing requirements.
18. Regulatory authority – the Ministry of Environment and Natural Resources Protection of Georgia (hereinafter – the Ministry).

19. Monitored area – the area, in different segments of which the irradiation dose and contamination level are metered to control and/or assess irradiation.
20. Irradiation of people – irradiation of individuals as a result of exposure to the source of ionizing radiation other than occupational, medical, and local natural normal background radiation.
21. Worker – a natural person working with ionizing radiation within any activity regulated by this Law.
22. Operator – a natural or legal person who/that has filed an application or notice for obtaining or has already obtained the authority to perform any activity regulated by this Law.
23. Occupational radiation – the radiation absorbed by a worker while engaging in professional activity other than the radiation excluded from regulation or the radiation absorbed from the radioactive sources or activities exempt from regulation.
24. Radiation accident – an unexpected event, including nuclear and radiation facility management errors, equipment failure, and other breaches, the consequences of which cannot be ignored in terms of radiation protection and safety. A radiation accident may be facility-related, local, national, or trans-border in scale.
25. Radiation exposure – any act or conditions, during which a human being is exposed to ionizing radiation. Radiation exposure may be external (radiation from sources outside the body) and internal (radiation from sources within the body).
26. Radiation protection program – the integrity of the documents submitted by the licence applicant or licence holder, which evidence the licence applicant's or licence holder's guarantees for providing the radiation safety measures identified by this Law for a particular type of nuclear and radiation activity.
27. Radiation incident – any unplanned event caused by an operator's error, equipment failure; pre-accident situation, loss of radioactive source, any unauthorised act, either premeditated or inadvertent, the consequences of which cannot be ignored in terms of radiation protection and safety.
28. Radiation risk – the probability of a danger, hazard, or harmful consequences of an existing or potential radiation exposure.
29. Radioactive contamination – the existence of radioactive substances on any surface, in solid, liquid, or gas material where their existence is not expected or desired, as well as the processes contributing to their subsequent development.
30. Radioactive waste – any radioactive material, the subsequent use of which is not provided for.
31. Radioactive substance – any substance (radioactive source or material) which in its normal condition is a source of ionizing radiation.
32. Removal from regulation – removal by the regulatory authority of radioactive materials or nuclear and radiation facilities from the sphere of further regulation, within the scope of permitted activities.

33. Level of removal from regulation – the level fixed by the regulatory authority expressed in specific activity or total activity units, at or below which a radiation source can be removed from regulation.
34. Exclusion from regulation – intentionally excluding special categories of radiation exposure from the sphere of control. Such radiation exposure is denoted with the term ‘excluded radiation exposure’.
35. Exemption from regulation – any case in which some of the safety requirements may be ignored.
36. Level of exemption from regulation – the value fixed by the regulatory authority expressed in specific activity, total activity, dose strength, or radiation energy units, at or below which a radiation source can be released from the area of control.
37. Emergency – the situation on nuclear and radiation facilities, in a particular area or water area arising as a result of natural occurrences, natural disasters, fires, accidents, catastrophes, or other calamities, as well as of using weapons of destruction, disrupting normal conditions for human life and activity, posing a threat to human life and health, incurring damage to people and the natural environment.
38. Control area – a specific area, in which special protection measures or safety requirements have been or may be introduced to control occupational radiation (radiation absorbed from a normal operation of a nuclear and radiation facility) so as to avoid, in normal working conditions, the spread of radioactive contamination and radiation as well as to limit the level of potential radiation.
39. Medical radiation – the radiation absorbed by a patient during medical diagnosis or treatment, by a person deliberately and voluntarily assisting the patient in creating comfortable conditions (other than the person exposed to occupational radiation), by a student or a volunteer involved in medical-biological programs within the framework of their studies.
40. Uncontrolled (abandoned) radioactive source – a radioactive source not being under state control (such source either has never been under regulatory control or has been abandoned, lost, or displaced and/or an illegal act has been performed in connection with it).
41. Physical protection – a system of protections for the sources of ionizing radiation at authorised facilities. Such a system is intended to prevent the seizure or illegal transportation of nuclear and radioactive materials or sabotage against the system.
42. Physical security (defence) system – legal, research, and engineering measures aimed at avoiding nuclear terrorism, seizure, or illegal handling of nuclear and radioactive materials.
43. Notice – a report of a description of an emergency or possible emergency timely presented to the competent government body or international organisation, or the measures that have been implemented to clarify the conditions resulting from the emergency with the purpose to give alarm notice to all the organisations responsible for responding to such an emergency.
44. Intervention – any act aimed to mitigate or avoid the radiation exposure or potential risk of radiation exposure resulting from the sources of ionizing radiation that are not under control or have not been controlled since the radiation accident.

#### Article 4 - Core principles of nuclear and radiation safety

The acts of the person performing nuclear and radiation activities and of the regulatory authority laid down in Article 1(2)(f) of this Law shall be based on the following core principles of nuclear and radiation safety:

- a) responsibility for safety – the responsibility for radiation safety rests primarily with the legal and natural persons performing the radiation risk activities regulated by this Law;
- b) safety control and management – the development, implementation, and maintenance of effective control and management of the safety of all interested organisations and high radiation risk facilities as well as of radiation risk operations;
- c) feasibility – the possible losses from the operation of a radiation risk facility and from the operations involving such risk shall not exceed the derived benefit;
- d) radiation protection optimisation – radiation protection shall be optimized so as to achieve the highest reasonably achievable level of radiation safety;
- e) limiting risk for certain individuals – ensuring the avoidance of any impermissible risk or injury/damage to certain individuals by implementing radiation risk controls;
- f) protection of present and future generations – protecting humans and the environment, as well as present and future generations from radiation risks;
- g) avoidance of radiation accidents – implementing all the necessary measures to prevent radiation accidents;
- h) preparedness for and response to radiation accidents – ensuring preparedness for responding to nuclear and radiation accidents, and implementing the necessary measures for mitigating and liquidating such accidents should they occur;
- i) safeguards for reducing the current and non-regulated radiation risks – the justification and optimisation of safeguards to be implemented to reduce the current and non-regulated radiation risks;
- j) physical security (defence) principle – safeguards of the State against any unauthorised use or misuse, misappropriation, and sabotage of nuclear and radiation materials, other sources of ionizing exposure, and know how, furthermore, the avoidance of terrorist acts, unauthorised transportation of nuclear and radiation materials, any possible harm during the retention and transportation thereof. The basis for physical security (defence) on the part of the State is the piecemeal national requirements arising from assessments of potential hazards.

#### Chapter II. State Regulation of Nuclear and Radiation Activity

## Article 5 - Core goal of regulating the safety of nuclear and radiation activity

1. The implementation of the core principles of nuclear and radiation safety laid down in Article 4 of this Law shall ensure the core goal of safety to protect human beings and the environment from the harmful impact of ionizing radiation.
2. The core principles of nuclear and radiation safety laid down in Article 4 of this Law shall be implemented through the following basic measures:
  - a) formulation of the national policy for nuclear and radiation safety and identification of the strategy;
  - b) development and approval of national programs for nuclear and radiation safety;
  - c) development of an integrated control system for nuclear and radiation safety and delegating the right to coordinate the system to the regulatory authority;
  - d) fulfillment of the obligations under international agreements concluded in the sphere of nuclear and radiation safety;
  - e) identification of special emergency conditions for household and business activities within areas contaminated as a result of a radiation accident;
  - f) formulation of the radioactive waste management policy and identification of the radioactive waste management strategy;
  - g) identification of levels for removal and release of radioactive materials and sources from regulation for their limited or unlimited use;
  - h) adoption of normative acts in the spheres of nuclear and radiation security (defence) and physical protection.

## Article 6 - State regulation of nuclear and radiation safety

1. The Ministry shall implement state regulations for nuclear and radiation safety.
2. Operating within the Ministry, the Department for Nuclear and Radiation Safety (hereinafter – the Department) shall provide immediate control over nuclear and radiation safety.
3. As a regulatory authority, the Ministry shall be responsible for protecting human beings and the environment from the harmful impact of ionizing radiation, state control over the activities regulated by this Law, determining radiation dose limits, drafting legal frameworks and normative acts for regulatory measures, controlling a radiation situation within the territory of Georgia, planning and controlling the necessary measures for avoiding radiation accidents, approving emergency response plans, and developing legal frameworks for ensuring physical security (defence). The Ministry shall ensure the release of information to interested countries through the Ministry of Foreign Affairs of

Georgia. The Ministry may establish direct contact with the International Atomic Energy Agency (IAEA) in the course of its daily activities, as well as in emergencies without the Ministry of Foreign Affairs of Georgia but keeping it informed thereof.

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#### Article 7 - Core functions of the regulatory authority

Within the responsibilities set forth in Article 6(3) of this Law, the Ministry shall:

- a) ensure the fulfillment of international agreements and treaties of Georgia and the legislation of Georgia in the sphere of nuclear and radiation safety;
- b) formulate draft laws and normative acts in the sphere of regulation of radiation safety;
- c) implement state regulation and control in the sphere of nuclear and radiation safety;
- d) authorize the nuclear and radiation activities laid down in Article 1(2)(f) of this Law;
- e) provide control over nuclear and radiation facilities, the environmental condition, sources of ionizing radiation, nuclear materials, and activities causing radiation, and for this purpose, conduct inspections under the requirements set forth in Chapter VI of this Law;
- f) determine the levels of and identify the criteria for the radioactive sources and activities removed, exempted, and excluded from regulation as set forth in Article 1(3) of this Law;
- g) coordinate the activities of public, private, and non-governmental organisations involved in the sphere of nuclear and radiation safety;
- h) exercise control over the implementation of national programs for nuclear and radiation safety;
- i) create the departmental register of radioactive materials, generators of ionizing radiation, radioactive wastes, licensed organisations possessing them, occupational doses, and approve the procedure for maintaining such a register;
- j) formulate and approve a radiation accident emergency response plan and the relevant procedures in agreement with the Ministry of Internal Affairs of Georgia;
- k) approve emergency response plans for local radiation accidents;
- l) in case of major radiation accidents, submit adequate recommendations to the Government Commission for Emergency Management and/or Inter-departmental Operational Crisis Management Center;
- m) establish contacts with international organisations and develop regulations for the procedures for reporting radiation situations to them;



- n) establish procedures for the examination of a land parcel allocated and a design developed for the construction of high radiation risk facilities under the subordinate normative act Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionizing Radiation;
- o) where a licensee become bankrupt, identify, if necessary, the relevant competent organisation for conducting deactivation work and decommissioning the facility;
- p) revoke a licence for nuclear and radiation activity and/or make a decision on removal of such activity from regulation;
- q) identify any non-licensed activity of nuclear and radiation facilities and take actions required by the legislation of Georgia;
- r) submit an annual report on the current radiation situation in the country to the Government of Georgia;
- s) inform the public on aspects of the radiation situation that are not a state and/or commercial secret;
- t) exercise control over the safe management of radioactive wastes as prescribed by the laws of Georgia;
- u) grant and revoke relevant licences and permits for nuclear and radiation activities;
- v) if the terms of a licence for nuclear and radiation activity are breached, take actions required by the legislation of Georgia against the licence holder;
- w) ensure, within its competence, the responsibility of Georgia for nuclear non-proliferation safeguards.

#### Article 8 - Competence of the Autonomous Republics of Abkhazia and Ajara and of relevant local self-government authorities in the sphere of nuclear and radiation safety

1. The Constitution of Georgia, this Law, and other normative acts shall define the competence of the Autonomous Republics of Abkhazia and Ajara, and of relevant local self-government bodies in the sphere of nuclear and radiation safety.

2. Proceeding from the goals of this Law, the following shall fall within the competence of the Autonomous Republics of Abkhazia and Ajara and of relevant local self-government bodies in the sphere of nuclear and radiation safety:

- a) promote implementation of the national policy;
- b) take part in the implementation of national programs;
- c) to the extent provided for by the legislation of Georgia, support the regulatory authority in implementing their powers within their jurisdictions;

d) as prescribed by the legislation of Georgia, provide assistance to the population affected by harmful exposure to ionizing radiation;

e) take part in making decisions on the disposal or discontinuation of the operation of increased radiation risk for nuclear and radiation facilities within their jurisdictions.

#### Article 9 - Other executive agencies authorised in the sphere of nuclear and radiation safety

The executive agencies authorised in the sphere of nuclear and radiation safety shall be as follows:

a) the Ministry of Economy and Sustainable Development of Georgia – issuing a permit for construction of nuclear and radiation facilities and export, import, re-export, or transit of double-purpose products, metrological support to ionizing radiation control devices

b) the Ministry of Internal Affairs of Georgia – ensuring and supervising the preparedness for national and trans-border radiation accidents and the liquidation of their consequences, the physical protection of nuclear and radiation facilities (other than the facilities containing the generators of ionizing radiation); ensuring the safety of the shipment, import, export, and transit of radioactive materials; coordinating the efforts to avoid and prevent the illegal traffic of radioactive materials

c) the Ministry of Defence of Georgia – ensuring the safety and physical protection of the nuclear and radiation facilities being under the subordination of the Ministry of Defence, in the event of a nuclear accident – taking part in the liquidation of the consequences of the accident to the extent of the emergency response plan as well as in other activities provided for by law

d) (deleted – 25.3.2013, No 488)

e) the Ministry of Labour, Health, and Social Affairs of Georgia – in the event of a nuclear and radiation accident, determining the dose limits, taking part in the liquidation of the consequences of the accident to the extent of the emergency response plan, registering radiopharmaceuticals, establishing the procedure for conducting a periodic medical examination of workers exposed to radiation

f) the Ministry of Agriculture of Georgia – exercising control over the content of radionuclides in food, potable water, animal food, and soil

g) the Ministry of Foreign Affairs of Georgia – exercising control over the fulfillment of commitments of Georgia under international agreements, coordinating relations with international organisations

h) the Ministry of Finance of Georgia – exercising control over nuclear and radioactive materials as they are exported from, imported into, and transited across the territory of Georgia.

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#### Article 10 - Regulatory and controlling functions of the Ministry

1. The regulatory functions of the Ministry shall be as follows:

- a) drafting normative acts and supporting their enforcement;
- b) coordinating the development of radiation safety assurance monitoring programs, the maintenance of a register of the sources of ionizing radiation and nuclear materials, the management of occupational radiation and radioactive wastes, the determination of permissible and control levels of radiation and levels of removal from regulation, the development of physical security (defence) conditions and methods and local radiation accident response plans;
- c) enforcing the necessary coercive measures in response to a breach of safety requirements;
- d) coordinating the monitoring of the radiation situation in Georgia;
- e) exchanging, within its competence, information with public authorities and non-governmental organisations, private agencies, local self-government bodies, and the mass media;
- f) initiating, coordinating, and monitoring research works in the area of safety in order to strengthen its regulatory functions;
- g) ensuring the implementation of monitoring over the individual doses and the conducting of medical examinations for the Department personnel;
- h) exercising control over the non-proliferation of nuclear weapons and nuclear materials.

2. The controlling functions of the Ministry for the safety of nuclear and radiation activity shall be as follows:

- a) providing state control over the fulfillment of the requirements set by the legislation of Georgia;
- b) taking assessment, as often as required, of the information provided by a licence (permit) holder as regards the safety of nuclear and radiation activity prior to and after the granting of a licence (permit) for such activity;
- c) providing planned and random inspections of nuclear and radiation facilities (for the nuclear and radiation activities listed in Article 1(2)(f) of this Law) for exercising control over the fulfillment of the safety and physical security (defence) requirements of nuclear and radiation activity;
- d) exercising control over any change in the possession of a radioactive source;
- e) exercising control over the management of radioactive wastes;
- f) in detecting a situation dangerous or potentially dangerous in nuclear and radiation terms, ensuring the implementation of adequate measures to prevent it;
- g) exercising control over the fitness of the containers intended for the transportation and storage/warehousing of nuclear and radiation materials and other sources of ionizing radiation (other than the generators of ionizing radiation);

- h) reviewing the licensee's annual safety report and safety assessment for subsequent reaction;
  - i) exercising control over the radiation exposure assessment during the daily working conditions and in the event of accidents;
  - j) exercising control over the monitoring of an individual occupational dose rate in order to optimize occupational dose rates;
  - k) exercising control over the handling of uncontrolled (abandoned) radioactive sources and implementation of urgent restoration works in times of emergency.
2. In order to obtain assessment of safety, the Ministry may exercise the following additional functions:
- a) conduct an independent radiological monitoring in areas adjacent to nuclear and radiation facilities;
  - b) perform independent surveys and quality control measurements.

### Chapter III. Nuclear and Radiation Safety

#### Article 11 - Nuclear and radiation safety requirements

1. Nuclear and radiation activity may not be performed without the authorisation under Chapter IV of this Law. Nuclear and radiation safety requirements shall be identified in the subordinate normative act Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionizing Radiation.
2. In order to obtain authorisation, the person performing an activity (operator) shall submit to the Ministry a radiation safety program or, depending on the radiation risk of the activity, a nuclear and radiation safety assessment describing the ways of fulfilling the nuclear and radiation safety requirements.
3. Once every ten years, the holder of the licence for a high radiation risk nuclear and radiation activity shall submit an updated nuclear and radiation assessment report to the regulatory authority for approval.
4. The nuclear and radiation assessment report may be submitted to the regulatory authority as requested and within the terms set by the regulatory authority. In order to review the report, the regulatory authority may request additional information and either approve or reject the report.
5. The main requirements for the assessment of the safety of a high radiation risk nuclear and radiation activity as well as for the report of such assessment shall be identified by the relevant normative act of the Minister of Environment and Natural Resources Protection of Georgia.
6. Without the consent from the Ministry, the operator may not make any change in its activity that may affect the radiation safety of workers and/or the environment.

Article 12 - Limiting radiation caused by food, potable and mineral water, raw materials, and soil

1. The subordinate normative act Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionizing Radiation shall define the permissible levels of the content of radionuclides in food, potable and mineral water, raw materials, and soil.
2. The import, export, and processing of radioactively contaminated raw materials, food, potable and mineral water as well as of any other product and goods in contact with them shall be prohibited, provided that the level of contamination exceeds the established permissible levels of contamination.
3. Any natural or legal person providing potable water supply shall be responsible for monitoring the content of radionuclides in the supplied water as well as for the retention and analysis of such monitoring results.

Article 13 - Limiting radiation causes by natural sources

1. In order to limit the irradiation of the population with natural radionuclides, the subordinate normative act Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionizing Radiation shall define the procedure for performing the metering of natural radiation in buildings, at the workplace, at mining sites, and in the environment.
2. Mining operations shall be performed based on nuclear and radiation safety assessments as prescribed by the legislation of Georgia.
3. Under the relevant subordinate normative act, the Ministry shall determine the permissible level of a volumetric activity of radon at the workplace and the conditions for taking assessment of the radiation situation of lands allocated for construction works. The subordinate normative act Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionizing Radiation shall define the permissible contamination levels for construction materials and products intended for construction. Such materials and products shall be subject to radiation control.
4. The manufacturers of construction materials shall ensure the metering of the content of radionuclides in construction material, maintain a record, and take assessment of the findings.

Article 14 - Medical radiation

1. Only the radiopharmaceuticals registered by the Ministry of Labour, Health, and Social Affairs of Georgia may be used for medical (diagnostic, therapeutic) purposes.
2. The subordinate normative act referred to in Article 11(1) of this Law shall define the requirements of medical radiation, recommended radiation levels, radiation rate safeguards, and requirements for

special vocational education of workers.

#### Chapter IV. Authorisation System of Nuclear and Radiation Activity

##### Article 15 - Authorisation of nuclear and radiation activity

The authorisation system in the sphere of nuclear and radiation safety shall comprise the procedures for granting licences and permits.

##### Article 16 - Licence for nuclear and radiation activity

1. The Ministry shall grant the licence for nuclear and radiation activity in the manner laid down by the Licences and Permits Law of Georgia. The licence shall be issued for an indefinite period.

2. The licence for nuclear and radiation activity shall be granted for the following activities:

- a) designing of a high risk nuclear and radiation facility;
- b) operation of a high risk nuclear and radiation facility;
- c) removal from service and decommissioning of a high risk nuclear and radiation facility;
- d) production (preparation), possession, temporary retention, use and sale of radioactive materials;
- e) using of a generator of ionizing radiation for medical purposes;
- f) using of a source of ionizing radiation for medical (therapeutic) purposes;
- g) using of radioactive substances (radiopharmaceuticals) for medical diagnosis;
- h) using of radioactive substances (radiopharmaceuticals) for medical treatment;
- i) using of a generator of ionizing radiation and/or radioactive substances for delivery of service;
- j) using of a generator of ionizing radiation for industrial purposes;
- k) using of a source of ionizing radiation for industrial purposes;
- l) using of a generator of ionizing radiation for research and education purposes;
- m) using of a source of ionizing radiation for research and education purposes;
- n) maintenance and repair of a generator of ionizing radiation and equipment containing radioactive

material;

- o) transportation of nuclear materials, radioactive sources, and radioactive wastes;
  - p) conditioning, storage, and burial of radioactive sources and wastes, decontamination of equipment, territory and/or storeroom contaminated with radioactive substances;
  - q) preparation of containers for shipment and storage of radioactive sources and wastes;
  - r) expert and instrumental measurements, metrology, adjustment, and installation of the sources of ionizing radiation.
3. The licence for nuclear and radiation activity may be granted for all or any of the activities listed in the second paragraph of this article or for individual stages of any of such activities.
4. The criteria for identification of high risk nuclear and radiation facilities shall be determined by the subordinate normative act referred to in Article 11(1) of this Law.
5. The licence for nuclear and radiation activity shall not be granted for the activities excluded from regulation under Article 1(3) of this Law or for the transportation and retention of the sources generating ionizing exposure.
6. Article 2(4) of the Licences and Permits Law of Georgia shall govern the recognition of a licence and permit granted by a foreign country.

#### Article 17 - Licensing procedure

1. To obtain a licence, the operator shall submit an application to the Ministry. Applications shall be submitted, reviewed, and filed in the manner laid down by the Licences and Permits Law of Georgia.
2. In addition to the documents required by the Licences and Permits Law of Georgia, the application for a licence shall be appended with:
  - a) information (description of a particular type of activity, details on the source of ionizing radiation and its location, information on the person responsible for radiation safety, the waste formed, and the handling of such waste)
  - b) radiation protection program that identifies the conditions and methods for adhering to the core principles of radiation safety for a category of source, possible risk, and type of activity, specification of the equipment and/or source, as well as physical security (defence) conditions
  - c) list of workers and the documents evidencing their qualifications and expertise
  - d) medical examination details of workers
  - e) schedule for import and export of radioactive sources into and out of the territory of Georgia

f) if the activity of a foreign company is licensed in Georgia, in addition:

f.a) copy of the contract or project for performing a particular activity in the territory of Georgia

f.b) a letter of guarantee by the company for exporting imported radioactive sources after the end of the activity, with reference to export timeframe.

3. For licensing any high radiation risk activity, a nuclear, and radiation safety assessment containing a radiation protection program and a decommissioning (or, depending on the type of activity, the facility closedown) plan shall be submitted instead of the radiation protection program.

4. In the administrative proceeding opened by the Ministry for granting a licence (except as provided by Article 16(2)(e),(g),(h),(j),(l),(n),(q),(r) of this Law), the Ministry of Internal Affairs of Georgia shall participate as an interested administrative authority, in accordance with the Licences and Permits Law of Georgia.

5. Based on the analysis of documents submitted by the operator, the Ministry shall make a decision on granting or refusing to grant a licence.

6. The Ministry shall provide control over the fulfillment of the licence conditions.

#### Article 18 - Conditions for issuing permits

1. The Ministry shall make a decision on granting the permit in the manner laid down by the Licences and Permits Law of Georgia.

2. The permit shall be granted as the right to perform a one-time act within the scope of the permit, and shall be valid for maximum one year except as provided by paragraph 7 of this article.

3. The permit shall be required for the following:

a) purchase and transfer of radioactive substances;

b) import and export of radioactive materials, the raw material, from which nuclear material can be obtained or produced, the equipment containing radioactive substances, nuclear technologies or know how, as well as export, import and transit of radioactive sources;

c) export of radioactive waste.

4. In addition to the documents required by the Licences and Permits Law of Georgia, the application submitted for a permit for the activity indicated in paragraph (3)(a) of this article shall be appended with:

a) copies of the buyer's and seller's licences for nuclear and radiation activities

b) details of the radioactive material or source of ionizing radiation (type, activity and other passport details, aggregate state), the source location and description of its physical protection system



c) if necessary, a copy of the transportation licence

d) for transit of nuclear material, in addition, the agreement (contract) between the consignor and the consignee.

5. The documents to be submitted for the activities under paragraph (3)(b) of this article, in addition to the documents required by the Licences and Permits Law of Georgia, are identified in Articles 39, 40, and 41 of this Law.

6. The documents to be submitted for the activities under paragraph (3)(c) of this article, in addition to the documents required by the Licences and Permits Law of Georgia, are identified in Article 39 of this Law.

7. The permit under paragraph (3)(b) of this article for import of radiopharmaceuticals for medical purposes may be granted for performing repeated acts for a period of one year when such activity is performed by the holder of the licence for nuclear and radiation activity performing the activity referred to in Article 16(2)(g) and/or (h) of this Law.

8. In the case provided for by paragraph 7 of this article, based on the permit for the activity referred to in paragraph (3)(b) of the same article, throughout its effective term of one year, for import of radiopharmaceuticals the Revenue Service shall submit the relevant information to the Ministry and the Standing Commission for Military-Technical Affairs set up with the Ministry of Defence of Georgia. An ordinance of the Government of Georgia shall define the list of the information to be submitted.

#### Article 19 - Denial of licence or permit

The Licences and Permits Law of Georgia shall define the basis for denying a licence or permit and the procedure for appealing such denial.

#### Article 20 - Exercising control over the fulfillment of licence and permit conditions, revocation of licence or permit

1. The Ministry shall provide control over the fulfillment of permit and licence conditions.

2. In view of any increased risk related to a particular activity, to protect human beings and the environment from a harmful impact of ionizing radiation, the Ministry may decide on revocation of the licence and/or permit.

3. The Licences and Permits Law of Georgia shall determine the procedures for exercising control over the fulfillment of licence and permit conditions, as well as for revocation of licences and permits.

4. The revocation of a licence shall not release its holder from responsibility to ensure radiation or physical protection of the sources of ionizing radiation and duly submit the inventory and occupational radiation dose details to the Ministry.

## Article 21 - Loss of or damage to licence or permit certificate

If a licence or permit certificate is lost or damaged, the Licences and Permits Law of Georgia shall define the procedure for issuing a duplicate thereof.

## Chapter V. Rights and Obligations of a Licence Holder

### Article 22 - Rights of a licence holder

The licence holder may:

- a) perform the activity identified in the licence;
- b) if the licence is denied, obtain a written explanation for such denial;
- c) if the licence is denied or revoked, appeal such denial or revocation in the manner laid down by the legislation of Georgia.

### Article 23 - Obligations of a licence holder

Pursuant to the activity identified in the licence, the licence holder shall be obliged to:

- a) ensure nuclear and radiation safety, physical protection, and preparedness for emergencies;
- b) regularly assess, in view of the modern technical and research level, the fulfillment of the licence conditions and translate the assessment findings in practice;
- c) comply with the licence conditions, immediately investigate any breach in such conditions, take actions to prevent such breaches or avoid their recurrence; conduct an inquiry into every case of exceeding the permissible radiation level and report the findings in writing to the Ministry;
- d) give the regulatory authority a written notice of any variance or expansion in activity and present the relevant documents pertaining to such change, as well as an updated radiation protection program;
- e) at all stages of handling the sources of ionizing radiation, adhere to the commitments under the radiation protection program comprising quality assurance and monitoring programs and a radiation accident response plan;
- f) adhere to the metering and metering device unification requirements identified in administrative and technological conditions;

- g) accept only the sources of ionizing radiation that have the relevant accompanying documents and the mark placed in the protective packing (container) having the relevant label;
- h) grant the right to handle the sources of ionizing radiation and radioactive waste only to the persons having special professional expertise, meeting the conditions laid down by the legislation of Georgia and not showing contraindications to such activity;
- i) immediately inform the Ministry of deviations occurring in technological processes, as well as of breaches in the physical protection conditions and/or accident preparedness that are material in terms of nuclear and radiation safety;
- j) keep the public informed on nuclear and radiation issues not constituting a state or commercial secret;
- k) provide adequate conditions for the Ministry to conduct inspections without interruption;
- l) organize and finance an annual occupational health inspection of workers; transfer the worker to a job of another profile if the inspection detects negative results;
- m) arrange communication with local self-government authorities to ensure timely notification about nuclear and radiation accidents;
- n) prepare and hand over, in compliance with the requirements laid down by the legislation of Georgia, to the relevant natural or legal person the radiation materials, radioactive sources intended for transportation and the radioactive waste to be assigned to a storage facility;
- o) provide a radiation safety of the persons present and working under contracts at the facilities;
- p) provide uninterrupted control over the fulfillment of nuclear and radiation safety as well as physical protection requirements, appoint a worker having adequate knowledge as a person responsible for radiation protection, and set up a radiation safety unit at a high radiation risk facility;
- q) provide special occupational education and regular training for workers in nuclear and radiation safety, as well as physical protection issues;
- r) in transferring or selling nuclear materials or other sources of ionizing radiation, implement the procedure only after giving relevant notice and obtaining relevant permission;
- s) keep a record of the sources of ionizing radiation, nuclear materials and generated radioactive waste, as well as occupational radiation doses of workers (including employees) and annually report inventory results to the Ministry;
- t) for a high radiation risk facility, devise a decommissioning plan, for which it shall perform an adequate inspection and monitoring of the nuclear and radiation facility and give the Ministry the relevant notice;
- q) comply with all the requirements set by the Ministry to avoid any harmful impact on the health of the population and the environment and ensure radiation safety and physical protection;

r) in conducting any high radiation risk activity, conduct safety assessments once every ten years and submit the relevant reports to the Ministry.

#### Article 24 - Obligations of licence holder in the event of radiation accident and/or incident

In the event of a radiation accident and/or incident, the licence holder shall:

- a) in the event of a radiation incident, give notice to the Ministry pursuant to the local radiation accident response plan, and in the event of a radiation accident also report to the local self-government bodies as well as any other authorities identified in the radiation accident response plan in order for them to take adequate emergency measures;
- b) in the event of a radiation accident, immediately inform the population of the danger expected;
- c) mitigate the consequences of the radiation accident and/or radiation incident and take actions to protect workers and other persons from its harmful impact;
- d) provide monitoring over the irradiation of workers and the spread of radionuclides in the environment;
- e) limit and control the exposure to radiation for workers involved in the liquidation of the radiation accident and/or radiation incident;
- f) carry out measures required by the laws of Georgia in order to avoid a radiation accident and/or radiation incident and liquidate its consequences.

#### Chapter VI. Inspection

##### Article 25 - Inspection conditions

1. Pursuant to Article 10(2)(c) of this Law, the Ministry shall conduct an inspection in accordance with the subordinate normative act of the Minister of Environment and Natural Resources Protection of Georgia on Approval of the Procedure for Inspection of Nuclear and Radiation Activity.
2. The Ministry shall identify the qualification requirements for employees carrying out inspections (inspectors) and support the organisation of training courses for them.
3. The Ministry may dispatch an inspector to a site of a licensed activity or a site of activity or works, for which the necessity for such inspection has been determined.
4. To conduct an inspection, the Ministry shall provide support for the implementation of an inspection in terms of adequate financial, technical, and human resources.

## Article 26 - Conducting inspection

1. The Ministry may conduct an inspection and all measures necessary for determining compliance with the requirements of the laws of Georgia and the licence conditions.

2. Any area of a nuclear and radiation facility where the relevant activity has been conducted must be accessible for inspectors in order for them to:

- a) perform the necessary instrumental measurements and obtain the information necessary for determining the compliance of nuclear and radiation safety conditions with the requirements;
- b) make sure the requirements of the laws of Georgia and the licence conditions are complied with;
- c) determine the degree of preparedness for radiation accidents and/or incidents and the compliance of the liquidation works performed in response to such occurrences with the approved plans;
- d) interview any worker from whom the information useful for inspection can be obtained.

3. Inspection shall be conducted:

- a) to assess the safety conditions of a nuclear and radiation activity;
- b) if the activity identified in the licence has been conducted;
- c) if the licence has been revoked;
- d) if the right for conducting an individual type of activity within the scope of the licence has been revoked.

4. Inspection may be planned and random:

- a) a planned inspection shall be conducted pursuant to a developed and approved inspection program. The Ministry gives the licence holder a motivated notice of inspection before conducting such inspection;
- b) if necessary, including any case of non-licensed activity, an inspection may be performed in departure from a schedule fixed in the inspection program (random inspection).

5. In the event of a radiation accident, an unforeseeable occurrence or a possible breach of law, a prompt inspection may be conducted without any prior notice to the licence holder.

6. By decision of the Ministry, a comprehensive inspection may be conducted with the joint participation of the Ministry employees and other, invited specialists (including IAEA inspectors).

7. Depending on the conditions present, the Ministry may inspect a particular area of activity.
8. Depending on the existing situation, inspection may be conducted without any prior notice to the licensee.
9. The results of inspection shall be reflected in an inspection report executed on site. The fines imposed on the licensee shall be recorded in the relevant administrative offence report.
10. The Ministry shall record, document and assess the inspection results. Based on the assessment, the Ministry shall formulate a report and submit it to the licence holder. The requirements identified in such report shall be binding upon the operator.

## Chapter VII. Coercive Measures

### Article 27 - Coercive measures

1. The holder of the licence for the activity identified in Article 1(2)(f) of this Law shall comply with the requirements of the laws of Georgia and fulfill the licence conditions. Otherwise, the licence holder shall be subject to the coercive measures prescribed by law.
2. The laws of Georgia shall determine the responsibility for any unauthorised nuclear and radiation activity.
3. In detecting any individual and/or legal entity in breach of the requirements of the laws of Georgia and/or the licence conditions, the Ministry shall carry out the actions contemplated by the Code of Administrative Offences of Georgia.
4. The Ministry shall set a reasonable term for remedial of identified breaches and give the offender a written notice thereon.
5. The Ministry shall be entitled to set additional conditions to the licence holder whose activity may incur damage to the population and/or contaminate the environment and/or revoke the licence as prescribed by the laws of Georgia.
6. For committing a criminal offence in performing the activity regulated by this Law, an individual and/or a legal entity shall bear responsibility as prescribed by the Criminal Code of Georgia.

### Article 28 - Taking coercive measures during inspection

1. If the activity of any facility regulated for nuclear and radiation safety is performed in breach of radiation standards and/or such activity may pose any immediate and proximate damage to human life or health, the environment, or any relevant evidence, an inspector may suspend the activity of the regulated facility in the area (if necessary, seal the facility, plant, unit, equipment) and immediately

notify the Ministry. The Ministry shall file the relevant application in court in accordance with the laws of Georgia.

2. The inspector may request that the licence holder does not permit a worker at his/her position to work who fails to meet the requirements for such work.

3. In the event provided by the first paragraph of this article, the licence holder shall not be released from the obligation to ensure the safety and physical protection of the radioactive materials remaining as a result of the activity performed by such licence holder and suspended by the inspector.

4. To carry out coercive measures, the inspector shall execute the relevant report based on inspection materials, including instrumental measurements, test results, the licence holder's statements, and other information.

## Chapter VIII. Preparedness for and Response to Radiation Accidents

### Article 29 - National radiation accident response policy

1. The Government of Georgia shall identify the national strategy for responding to radiation emergencies.

2. In connection with a facility radiation accident, the licence holder shall proceed in accordance with the radiation emergency response plan.

3. The radiation emergency response plan shall provide for the probability of the occurrence and scale of a radiation accident and/or incident, assessment of a possible damage, and the probability of incurring damage to the population and territory under risk.

4. The radiation emergency response plan shall reflect intervention levels and conditions and the criteria for selecting the protective measures to be implemented.

### Article 30 - Facility radiation emergency response plan

1. To respond to radiation emergencies, the licence holder shall:

a) formulate procedures for obtaining assistance from first-response organisations, including the preparatory works needed to maintain communication with them;

b) immediately inform the Ministry of any situation that due to a radiological risk creates preconditions for declaration of emergency;

c) provide a description of the method of assessment of a potential radiation accident and/or incident and its consequences, including the equipment necessary for its liquidation;

- d) identify requirements for conducting studies and practical trainings for service personnel to ensure preparedness for emergencies;
  - e) ensure fulfillment of accident zoning requirements;
  - f) formulate procedures for giving prior notice to the part of the population, which may be affected with the radiation accident.
2. The licence holder shall from time to time review and, if necessary, update the radiation emergency response plan.

#### Article 31 - National radiation accident

The national radiation emergency response plan shall identify all the necessary obligations and actions and segregate them among relevant public authorities and non-governmental organisations; including preparatory works that need to be conducted to ensure communication between them in order to notify the public.

#### Article 32 - Trans-border radiation accident

1. In the event of a radiation accident that may present a risk of radioactive contamination beyond the borders of Georgia, the Government of Georgia shall immediately send a notice to the International Atomic Energy Agency and relevant competent authorities of the countries where the consequences of the accident are material in terms of radiology.
2. The Ministry is the contact institution with respect to the fulfillment of the terms and conditions of international documents ratified by Georgia for the preparedness for and the response to nuclear and radiation accidents.

#### Article 33 - Investigation of radiation accidents and incidents

1. Any radiation accident and/or incident, regardless of their scale, must be investigated in order to identify their causes and avoid their recurrence.
2. The licence holder shall investigate a facility radiation accident and/or incident occurring in the course of performance of any activity identified in the licence in compliance with the requirements of Article 23 of this Law.
3. The Ministry shall organize an investigation of a radiation accident jointly with other responsible entities according to the existing response plan and assess the results of the investigation.
4. The Ministry jointly with other responsible structures must assess the consequences of a radiation



accident to determine the damage incurred to the environment.

5. In the event of a radiation accident, the Ministry shall submit a report to the Government of Georgia and the International Atomic Energy Agency as well as to any country that may be affected by the consequences of the accident.

## Chapter IX. Radioactive Waste

### Article 34 - Management of radioactive waste

1. Radioactive waste shall be managed in accordance with the principles and requirements laid down by the Radioactive Waste Law of Georgia and relevant normative acts.
2. The Government of Georgia shall formulate a national strategy to ensure the safety and physical security (defence) of radioactive waste.
3. Based on the national strategy for management of radioactive waste, the Ministry shall establish:
  - a) radiation safety and physical security (defence) requirements and rules that protect human health and the environment from any harmful impact resulting from the handling of radioactive waste
  - b) a system of authorisation of activities related to the handling of radioactive waste
  - c) a system of institutional control, inspection, documentation, and reporting of activities that are related to the handling of radioactive waste
  - d) coercive measures to ensure the compliance of activities related to the handling of radioactive waste with the rules and requirements laid down by the legislation of Georgia, as well as with the authorisation terms and conditions.
4. The re-export of radioactive waste for any purposes shall be prohibited across the whole territory of Georgia.

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### Article 35 - Responsibility for ensuring the safety and physical protection of radioactive waste

1. The licence holder shall be responsible for ensuring the safety and physical protection of radioactive waste.
2. The State shall be responsible for ensuring the safety and physical security (protection) of radioactive waste (including uncontrolled (abandoned) radioactive sources), the owner of which cannot be identified.

#### Article 36 - Export of radioactive waste

1. Transit of any radioactive waste across the territory of Georgia or import into Georgia of any radioactive waste created beyond its borders shall be prohibited.
2. Radioactive waste may be exported only based on a relevant permit issued by the Ministry.
3. It shall be prohibited to export any radioactive waste produced in Georgia in order to store and dispose of it south of 60 degrees of the southern latitude.
4. If radioactive waste cannot be exported in compliance with the requirements of the legislation of Georgia and the permit conditions, it shall be returned to its owner until the safety and physical protection requirements provided for by the legislation of Georgia are ensured.

#### Chapter X. Transportation of Radioactive Materials

##### Article 37 - Regulation of transportation of radioactive materials

1. Law and the relevant subordinate normative acts shall establish safe transportation requirements for radioactive materials.
2. Safe transport of radioactive materials requires the implementation of adequate physical protection measures.
3. Any transport of radioactive materials without the relevant licence granted by the Ministry shall be prohibited.

#### Chapter XI. Export, Import, and Transit of Radioactive Materials

##### Article 38 - Control over the export, import, and transit of radioactive materials

1. To achieve the goals laid down by this Law, the State shall establish control over the export, import, and transit of radioactive materials from, into, or across the territory of Georgia.
2. To obtain a permit for the import and export of nuclear technologies or know how, it is not necessary to submit copies of the licences of the issuer and recipient of such technologies.

#### Article 39 - Export of radioactive materials

1. Radioactive materials shall be exported from the territory of Georgia in compliance with the international standards and in the manner laid down by the legislation of Georgia.
2. The basis for exporting radioactive materials shall be the permit granted by the Ministry in the manner laid down by Article 18 of this Law and the Licences and Permits Law of Georgia.
3. Granting a permit for export of radioactive materials shall entail:
  - a) notification of the consignor concerning the sending of radioactive materials;
  - b) the consignee's assurance that they will accept the radioactive materials;
  - c) copy of the licence of the carrier of the radioactive materials;
  - d) information on the specifications of the radioactive materials to be carried and on the specifications of the protective containers;
  - e) ensuring the safety and physical protection of radioactive materials during transportation.
4. Granting a permit for the export of nuclear material shall additionally entail:
  - a) fulfillment by the consignee and consignor of international obligations under the Nuclear Non-proliferation Safeguards for nuclear materials;
  - b) transport of nuclear materials in accordance with the international obligations under Nuclear Non-proliferation Safeguards.

#### Article 40 - Import of radioactive materials

1. Radioactive materials may be imported into the territory of Georgia on the basis of a permit issued by the Ministry. The procedure for granting the permit is laid down by Article 18 of this Law and the Licences and Permits Law of Georgia.
2. Granting a permit for import of radioactive materials shall entail:
  - a) holding by the consignee of radioactive material of a licence for nuclear and radiation activity;
  - b) information on the specifications of the radioactive materials to be transported and of the protective containers;
  - c) ensuring the safety and physical protection of radioactive materials during transportation.
3. Granting a permit for import of nuclear material shall additionally entail:

- a) fulfillment by the consignee of international obligations under Nuclear Non-proliferation Safeguards for nuclear materials to be received;
- b) transport of nuclear materials in accordance with the international obligations under Nuclear Non-proliferation Safeguards.

#### Article 41 - Transit of radioactive materials

1. Radioactive materials may be transited across the territory of Georgia on the basis of a permit issued by the Ministry. The procedure for granting the permit is laid down by Article 18 of this Law and the Licences and Permits Law of Georgia.
2. Granting a permit for transit of radioactive materials shall entail:
  - a) provision of information on the point of destination for the radioactive materials;
  - b) the consignee's assurance of accepting the radioactive materials;
  - c) ensuring the carrier's fulfillment of the requirements of the legislation of Georgia;
  - d) submission of a copy of a contract between the consignor and the consignee of radioactive materials;
  - e) information on the specifications of the radioactive materials to be transported and of the protective containers;
  - f) ensuring the safety and physical protection of radioactive materials during transportation.

#### Chapter XII. Decommissioning

##### Article 42 - Decommissioning of nuclear and radiation facilities

1. Any activity referred to in Article 1(2)(f) of this Law shall be completed by decommissioning of the relevant nuclear and radiation facility (other than a radioactive waste dumpsite) that shall be ensured by the licence holder in accordance with the licence conditions.
2. The Ministry shall lay down decommissioning requirements for a nuclear and radiation facility under the subordinate normative act on Decommissioning of Nuclear and Radiation Facilities and shall determine the status for further use of the facility area.
3. The nuclear and radiation facility shall be subject to regulatory control until the licence holder furnishes the Ministry with evidence for reaching the final condition specified by the decommissioning plan, as well as for complying with any additional legal requirement.

#### Article 43 - Decommissioning plan

1. At the stage of construction of a nuclear and radiation facility, in view of the planned activity, the operator shall prepare a decommissioning plan. The decommissioning plan shall be agreed upon with the relevant public authorities within their competence.
2. If the existing circumstances have necessitated material changes in the original decommissioning plan, the licence holder shall revise the plan and update it by reflecting the changed circumstances. The decommissioning plan so updated shall be submitted to the Ministry.
3. The licence holder shall be responsible for implementing the measures under the decommissioning plan in a safe manner and ensuring the security of the service personnel involved in decommissioning operations.
4. The Ministry shall exercise control over the locations of the decommissioned nuclear and radiation facilities that are permitted for restricted use.

#### Chapter XIII. Nuclear Non-Proliferation Safeguards

##### Article 44 - Obligation to use nuclear materials for peaceful purposes

1. Pursuant to Georgia's international commitments, nuclear materials may be used for peaceful purposes only.
2. Preparation, possession, and transfer of nuclear weapons and other explosive devices containing nuclear materials or seeking and receiving assistance for the creation of nuclear weapons and other explosive devices containing nuclear materials shall be prohibited in the territory of Georgia.

##### Article 45 - Execution of nuclear non-proliferation safeguards

1. To ensure the fulfillment of Georgia's commitments under the Agreement between the Republic of Georgia and the International Atomic Energy Agency for Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (ratified by Resolution of the Parliament of Georgia No 211 1-II, 24 April 2003) (hereinafter – the Agreement), the International Atomic Energy Agency shall be entitled to implement safety measures in Georgia for the purpose of non-proliferation of nuclear weapons and nuclear materials.
2. The Ministry shall organize and coordinate the fulfillment of Georgia's commitments under the Agreement and the Additional Protocol to the Agreement between the Republic of Georgia and the International Atomic Energy Agency on Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons ratified by Resolution of the Parliament of Georgia No 211

2-IIs, 24 April 2003 (hereinafter – the Additional Protocol).

3. The Ministry shall ensure:

- a) fulfillment of Georgia's commitments under the Agreement and the Additional Protocol;
- b) gathering information necessary for the fulfillment of the Agreement and the Additional Protocol and the provision of such information to the International Atomic Energy Agency;
- c) performance of the activities of the inspectors of the International Atomic Energy Agency in accordance with the requirements of the Agreement and the Additional Protocol;
- d) coordination of efforts with the Ministry of Foreign Affairs, Ministry of Internal Affairs and Ministry of Finance of Georgia in connection with the dissemination (provision) of information under the Agreement and the Additional Protocol;
- e) creation and development of a national system for registration and control of nuclear materials in Georgia by drafting the relevant legal act to ensure an effective application of nuclear non-proliferation safeguards.

#### Article 46 - Cooperation in the sphere of nuclear non-proliferation safeguards

The competent structures of the Government of Georgia and the licence holders shall cooperate with the International Atomic Energy Agency in the sphere of the application of nuclear non-proliferation safeguards. Such cooperation shall entail:

- a) timely provision of the information under the Agreement and the Additional Protocol;
- b) providing onsite access to the inspectors of the International Atomic Energy Agency for performing their activities;
- c) supporting the inspectors in accomplishing their objectives;
- d) providing the inspectors with all necessary assistance.

#### Article 47 - Inspection in the sphere of nuclear non-proliferation safeguards

1. Under the Agreement and the Additional Protocol, the authorised representative of the Ministry and the inspectors designated by the International Atomic Energy Agency shall have the right of access to any facility or any building of such facility as well as the right to inspect any activity specified in the licence.

2. Under the Agreement and the Additional Protocol, any person conducting a regulated activity shall allow the inspectors designated by the International Atomic Energy Agency to implement measures in order for Georgia to fulfill its commitments under the aforementioned documents.

#### Article 48 - Obligations of licence holders in the sphere of application of nuclear non-proliferation safeguards

Pursuant to the requirements of the legislation of Georgia, the Agreement and the Additional Protocol, persons holding the licence for possession, use, processing or handling of the nuclear materials being the subject of regulation of the Agreement shall be obliged to:

- a) take their inventory in accordance with the requirements of the Agreement and the Additional Protocol;
- b) duly and timely furnish the Ministry with the documents of the relevant form concerning the existing nuclear materials;
- c) duly take measurements of nuclear materials and ensure the effectiveness of the measurement system control program;
- d) inform the Ministry about the layout of the facility, including any changes made in such layout;
- e) duly maintain the register of nuclear materials;
- f) duly give the Ministry and the Ministry of Economy and Sustainable Development of Georgia a prior notice of import or export of nuclear materials or equipment related thereto;
- g) duly ensure the physical protection of nuclear materials and take safety measures;
- h) immediately inform the Ministry and the Ministry of Internal Affairs of Georgia on the loss of nuclear materials beyond permissible limits;
- i) duly furnish the Ministry with information on any planned future activities.

#### Chapter XIV. Rights and Obligations of Georgian Citizens, Stateless Persons, and Aliens in the Sphere of Nuclear and Radiation Safety

##### Article 49 - Rights and obligations of Georgian citizens, stateless persons, and aliens in the sphere of nuclear and radiation safety

1. Georgian citizens, stateless persons and aliens shall be obliged to:

- a) comply with the requirements of the legislation of Georgia in the sphere of nuclear and radiation safety;
- b) take measures contemplated by the legislation of Georgia to ensure nuclear and radiation safety and

preparedness for radiation accidents.

2. Georgian citizens, stateless persons and aliens shall be entitled to:

a) live and work in the environment safe in terms of radiation;

b) obtain from competent authorities reliable and timely information on a nuclear and radiation situation.

## Chapter XV. Physical Security (Defence) System

### Article 50 - Regulation of physical security (defence)

1. The Government of Georgia shall be responsible for identifying the national strategy for regulation of physical security (defence).

2. The core principles of physical security (defence) shall be as follows:

a) responsibility of the State – the establishment, development and maintenance of a physical security (defence) system;

b) responsibility for international transportation – in respect of the international transportation of radiation materials, Georgia's responsibility for their adequate protection shall extend until such responsibility duly transfers to any other country;

c) legal and regulatory system – the Government of Georgia shall put in place and maintain a legal framework for management of physical security (defence) that provides requirements to the licence holder for ensuring physical security (defence) of nuclear and radiation facilities, as well as a mechanism for fulfilling such requirements;

d) responsibility of the licence holder – the responsibility of the licence holder for implementing other elements of physical security (defence);

e) security (defence) culture – recognising physical security (defence) as a priority by all organisations involved in its implementation;

f) piecemeal approach – the sequence of acts entailing the assessment of danger and stage-by-stage implementation of measures ensuring physical security (defence);

g) defence in depth – integrating into the physical security (defence) requirements the multi-layer security and security methods (structural and technical, individual, and organisational) that a person in breach may have to overcome to achieve his/her goal;

h) quality assurance – development and implementation of the physical security (defence) quality program to ensure the fulfillment of the established requirements;



i) emergency response plans – development by a licence applicant of plans to respond to illegal transportation of radiation materials, sabotage of nuclear and radiation facilities or nuclear materials or attempts to perform such acts; the competent public authorities shall be obliged to establish control over the plans;

j) confidentiality – identification of data protection requirements to prevent breaches in the safety conditions of nuclear materials and nuclear and radiation facilities.

#### Article 51 - Responsibility for physical security (defence), prevention of breaches

A physical security (defence) system shall be developed in order to ensure the implementation of the physical security (defence) policy and the core principles of physical security (defence). Such system shall ensure:

- a) the conditions minimising the chances for taking an unauthorised possession of and committing acts of sabotage in relation to radioactive materials and other sources of ionizing radiation;
- b) technical assistance and provision of information on lost nuclear materials and other sources of ionizing radiation; if they are found, taking of prompt measures to return them, and the minimisation of the consequences of any act of sabotage;
- c) prohibition of transit if the transit country does not have in place safeguards to ensure the protection of nuclear materials and other sources of ionizing radiation;
- d) measures to protect information on the physical security (defence) of nuclear and radiation materials.

#### Chapter XVI. Responsibility for Violation of the Requirements of the Legislation of Georgia for Nuclear and Radiation Safety

##### Article 52 - Responsibility for violation of the requirements of the legislation of Georgia for nuclear and radiation safety

The responsibility for violation of the requirements of the legislation of Georgia for nuclear and radiation safety shall be determined by the applicable legislation, including the Criminal Code of Georgia, and the Code of Administrative Offences of Georgia.

#### Chapter XVII. Transitional and Final Provisions

Article 53. Normative acts to be adopted (issued) in connection with the enactment of the Law

1. In connection with the enactment of this Law, the Radioactive Waste Law of Georgia and the Nuclear and Radioactive Substances Transportation Law of Georgia shall be adopted till 1 January 2015.

2. Till 1 September 2013, the Government of Georgia shall ensure the approval of the list of the data to be submitted by the Revenue Service to the Ministry of Environment and Natural Resources Protection of Georgia and to the Standing Commission for Military-Technical Affairs set up with the Ministry of Defence of Georgia.

3. The following subordinate normative acts of the Ministry of Environment and Natural Resources Protection of Georgia shall be issued till 1 January 2015:

- a) Approval of the Procedure for Inspection of Nuclear and Radiation Activity
- b) Radiation Safety Requirements in Industry, Science, and Education
- c) Scrap Metal Radiation Monitoring Procedure
- d) Procedure for Creating and Maintaining the Departmental Register of Sources of Ionizing Radiation, Radioactive Waste, Authorisation; Categorisation of Sources of Ionizing Radiation,
- e) Procedure for Conducting Individual Monitoring and Its Control
- f) Nuclear and Radiation Accident Preparedness and Response Plan
- g) Procedure for Responding to the Illegal Traffic of Nuclear and Radioactive Substances
- h) Procedure for Transportation of Nuclear and Radioactive Substances
- i) Physical Security (Defence) of Nuclear and Radiation Facilities, Radioactive Sources and Waste, Other Sources of Ionizing Radiation
- j) Procedure for Performing Activities Related to Nuclear Non-Proliferation Safeguards
- k) Decommissioning of Nuclear and Radiation Facilities
- l) Optimising Exposure to Natural Radiation
- m) Basic Requirements to Assessment of Safety of High Radiation Risk Nuclear and Radiation Activity and Assessment Report
- n) Basic Requirements for Quality Assessment and Quality Control of Sources of Ionizing Radiation.

4. The Minister of Labour, Health and Social Affairs of Georgia and the Minister of Environment and Natural Resources Protection of Georgia shall issue the following joint subordinate normative acts till 1 January 2015:

- a) Radiation Safety Standards and Basic Requirements for Handling of Sources of Ionizing Radiation
- b) Radiation Safety Requirements for Medical Radiation.

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Article 54 - Nuclear and radiation safety licences and permits issued prior to the enactment of the Law

The licences and permits issued prior to the enactment of this Law under the Nuclear and Radiation Safety Law of Georgia of 30 October 1998 and Resolution No 135 of the Government of Georgia of 11 August 2005 on the Approval of the Procedure and Conditions for Issuing of Permits and Licences for Nuclear and Radiation Activity shall remain in force and be subject to the requirements laid down by this Law.

Article 55 - Final provisions

1. The Nuclear and Radiation Safety Law of Georgia of 30 October 1998 (Legislative Herald of Georgia No 5, 1998, Art. 40) be declared invalid.
2. This Law other than Articles 1-52, Article 54 and Article 55(1) of this Law be enacted upon promulgation.
3. Articles 1-52, Article 54 and Article 55(1) of this Law be enacted from 1 May 2012.

President of Georgia

M. Saakashvili

Tbilisi

20 March 2012

No 5912 – ES