

# LAW OF GEORGIA ON NUCLEAR AND RADIATION SAFETY

## Chapter I - General Provisions

### Article 1 - Scope of the Law

1. This Law governs legal relations between public authorities and physical and legal persons, who perform activities related to nuclear and radioactive materials and other sources of ionising radiation, and who implement other safety measures for nuclear materials and other sources of ionising radiation.
2. This Law defines:
  - a) safety principles for performing activities related to radioactive materials and other sources of ionising radiation and any other activity causing radiation exposure;
  - b) a system of protecting humans and the environment from harmful exposure to ionising radiation;
  - c) obligations to implement measures to reduce exposure to radiation resulting from a radiological emergency;
  - 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 surveillance of the following nuclear and radiation activities related to radioactive materials and other sources of ionizing radiation (except for the use of the sources of ionising radiation for military purposes);
    - f.a) production, possession, storage, 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, development and design of the parcels of land, 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) processing, storage, warehousing, and storage of radioactive waste;
    - f.d) use of the sources of ionising radiation in medicine, industry, and scientific research;
    - f.e) any other activity related to the sources of ionising radiation (including the activities related to the commissioning and maintenance of nuclear and radiation facilities, mining-related activities, and matters related to uncontrolled radioactive sources).
3. This Law shall not apply to radioactive sources and activities removed, exempted, or excluded from regulation, the levels of which shall be fixed by the normative act on Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionising Radiation. In special cases, proceeding from the actual situation, a regulatory authority shall be entitled to fix different level values for a given case.

### Article 2 - Goals and objectives of the Law

1. The goals of this Law shall be as follows:
  - a) ensure peaceful use of nuclear materials, the respective equipment and machinery by adhering to their non-proliferation regime;
  - b) lay down basic requirements for the safe handling of nuclear materials and other sources of ionising radiation;
  - c) ensure the avoidance and prevention of all illegal activities related to nuclear materials and other sources of ionising radiation in compliance with the legislation of Georgia and the commitments of Georgia under international agreements;
  - d) ensure the safety of all types of activities related to nuclear materials and other sources of ionising radiation and the use of such nuclear materials and other sources of ionising radiation for peaceful purposes only, protect humans and the environment from harmful exposure to ionising radiation in compliance with the legislation of Georgia, including the Constitution of Georgia, and the commitments of Georgia under international agreements.
2. The objective of this Law shall be to ensure the fulfillment of nuclear and radiation safety requirements on the territory of Georgia through harmonization with the international standard

### Article 3 - Definition of terms

1. Emergency exposure – irradiation, to which a physical person was exposed during an emergency. For persons participating in disaster mitigation measures, it is an aggregate value of irradiation to which such person had been exposed in an emergency situation and in normal working conditions.
2. Emergency area – a specific area, where nuclear and radiation disaster mitigation special measures are being implemented, in compliance with the nuclear and radiation safety requirements.
3. Authorisation – the procedure of issuing a document (licence and permit) by a regulatory body, granting the 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 buildings and equipment), where the sources of ionising radiation are handled.
6. Nuclear and radiation safety – the integrity of organisational and technical measures ensuring the protection of humans and the environment from harmful exposure to ionising radiation.
7. Nuclear and radiation safety assessment – a comprehensive assessment of ensuring the nuclear and radiation safety of an activity subject to licensing.
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 concentrate; any material becoming fissile as a result of the interaction of its constituent isotopes with neutrons and generating ionising 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 absence of radiation protection and special safety requirements.
11. Permissible dose limit – an ionising radiation dose limit value that should not be exceeded, that an individual has been exposed to as a result of performing a practical activity.
12. Decommissioning – the integrity 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 dump site, the facilities accommodating the equipment generating ionising radiation, the enterprises processing mining waste and radioactive sources, that can discontinue their activity without decommissioning).
13. Qualified expert – a physical person who, based on a certificate, professional licence or academic qualification, obtained from competent institutions, and experience, under the established procedure, is recognised as a person authorised to conduct an examination in the respective field.
14. Ionising radiation – the radiation capable of creating ion pairs in the environment.
15. Generator of ionising radiation – a device or part thereof not containing any radioactive materials but technically capable of generating ionising radiation.

16. Source of ionising radiation – any radioactive substance or any device containing or generating such substance that radiates or is capable of ionising a substance through radiation.
17. Regulatory control – any form of control and regulation of nuclear and radiation facilities or activities by a regulatory body, aiming at determining the compliance of ionising radiation protection and/or radioactive sources safety and protection with the existing requirements.
18. Regulatory authority – the Ministry of Environment and Natural Resources Protection of Georgia (the Ministry).
19. Monitored area – an area, in different segments of which the irradiation dose and contamination level are measured to control and/or assess irradiation.
20. Exposure of humans to radiation – irradiation of individuals as a result of exposure to the source of ionising radiation other than occupational, medical, and local normal natural background radiation.
21. Worker – a physical person working with ionising radiation in any activity regulated by this Law.
22. Operator – a physical or legal person who 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 that the worker has been exposed to while performing professional activity, other than the radiation excluded from regulation or the radiation from the radioactive sources or activities exempted from regulation.
24. Radiation accident – an unexpected event, including nuclear and radiation facility management errors, equipment failure, and other disruption, the consequences of which cannot be ignored in terms of radiation protection and safety. A radiation accident may affect a facility only, or be of local, national, or trans-border significance.
25. Radiation exposure – any act or conditions, where a human being is exposed to ionising radiation. Radiation exposure may be external (radiation from sources outside the body) and internal (radiation from sources within the body).
26. Radiation protection programme – a set of documents submitted by a licence applicant or licence holder, which confirms the licence applicant's or licence holder's guarantees for providing the radiation safety measures defined by this Law for a specific type of nuclear and radiation activity.
27. Radiation incident – any unplanned incident caused by an operator's error, equipment failure; pre-emergency situation, a lost radioactive source, any unauthorised act, either premeditated or inadvertent, the consequences of which cannot be ignored in terms of nuclear and radiation protection and safety.
28. Radiation risk – a probability of a danger, hazard, or harmful consequences of an existing or potential radiation exposure.
29. Radioactive contamination – the presence of radioactive substances on surfaces or within solids, liquids or gases, where their presence is unintended or undesirable, 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.
- 30<sup>1</sup>. Radioactive waste disposal facility - the premises where radioactive waste is disposed permanently for

safe preservation without the intention of its future retrieval;

30<sup>2</sup>. Radioactive waste storage - premises where radioactive waste may be disposed of temporarily for safe preservation, except for state-owned radioactive waste, taking into consideration the possibility of its future retrieval;

30<sup>3</sup>. Radioactive waste management facility - premises where radioactive waste may be placed temporarily for safe preservation, including state-owned radioactive waste, taking into consideration the possibility of its future retrieval;

31. Radioactive substance – any substance (radioactive source or material) which under ordinary conditions is a source of ionising 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 – a level determined 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 where certain safety requirements may be ignored.

36. Level of exemption from regulation – a value determined 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 sphere subject to control.

37. Emergency – a situation at nuclear and radiation facilities, on a particular area or water area arising as a result of natural phenomena, 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, causing damage to people and the environment.

38. Control area – a specific area, where special protection measures or safety requirements have been or may be introduced to control occupational radiation exposure (radiation exposure during a normal mode of operation of a nuclear and radiation facility) so as to prevent, in normal working conditions, the spread of radioactive contamination and radiation exposure, as well as to limit the level of potential radiation exposure.

39. Medical radiation – the radiation absorbed by a patient during medical diagnostics or treatment, by a person willfully and voluntarily assisting the patient in creating comfortable conditions (other than a person exposed to occupational radiation), by a student or a volunteer involved in medical-biological programmes in the framework of their studies.

40. Uncontrolled (orphan) radioactive source – a radioactive source outside the state control (such source either has never been under regulatory control or has been abandoned, lost, or displaced and/or has been subjected to an illegal act).

41. Physical protection – a system of protection measures for the sources of ionising radiation at authorised facilities, intended to prevent the seizure or illegal transportation of nuclear and radioactive materials or sabotage against the system.

42. Physical security (protection) system – legal, research, and engineering measures aimed at preventing nuclear terrorism, and seizure or illegal handling of nuclear and radioactive materials.

43. Notice – a detailed report describing an emergency or potential emergency, timely submitted to a government body or an international organisation concerned; or the measures that have been implemented to clarify the conditions resulting from the emergency with the purpose of sending an alarm notice to all the organisations responsible for responding to such an emergency.

44. Intervention – any act aimed to mitigate or prevent the radiation exposure actual or potential risk induced by the sources of ionising radiation that are not under control or have not been controlled since a radiation accident.

#### **Article 4 - Basic principles of nuclear and radiation safety**

The acts of a 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 shall rest primarily with the legal and physical persons performing risk involving radiation activities regulated by this Law;
- b) safety administration and management – establishing, implementation, and maintenance of effective safety administration and management of all interested organisations and high radiation risk facilities, as well as of radiation risk operations;
- c) feasibility – potential damage from the operation of a radiation risk facility and from the operations involving such risk shall not exceed the benefit gained;
- d) radiation protection optimisation – radiation protection shall be optimised so as to achieve the highest reasonably achievable level of radiation safety;
- e) limiting risk for certain individuals – ensuring the prevention of any impermissible risk or injury/damage to certain individuals by implementing radiation risk control measures;
- f) protection of present and future generations – protecting humans and the environment, present and future generations from radiation risks;
- g) radiation accident prevention – implementing all necessary radiation accident prevention measures;
- h) radiation emergency preparedness and response – ensuring preparedness for responding to nuclear and radiation accidents, and implementing the measures necessary for disaster mitigation and liquidation;
- i) protection measures to minimize present and non-regulated radiation risks – justification and optimisation of protection measures to be implemented to minimize present and non-regulated radiation risks;
- j) physical security (protection) principle – guaranteed protection provided by the safeguards of the State against any unauthorised use or abuse, misappropriation, and sabotage of nuclear and radiation materials, other sources of ionising exposure, and know-how, as well as the prevention of terrorist acts, unauthorised transportation of nuclear and radiation materials, and possible damage during their storage and transportation. The basis for physical security (protection) on the part of the State shall be the state requirements based on a gradual approach arising from the assessment 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 ionising 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 actions:

- a) formulating a national policy for nuclear and radiation safety and developing a strategy;
- b) developing and approving national programmes in the field of nuclear and radiation safety;
- c) developing an integrated control system for nuclear and radiation safety and delegating the right to system coordination to the regulatory authority;
- d) fulfilling the obligations under international agreements concluded in the sphere of nuclear and radiation safety;
- e) determining special emergency conditions for household and economic activities in the areas contaminated as a result of a radiation accident;
- f) formulating a radioactive waste management policy and identifying a radioactive waste management strategy;
- g) identifying the levels for removing and exempting radioactive materials and sources from regulation for their unlimited or limited use;
- h) adopting normative acts in the spheres of nuclear and radiation security (protection) and physical protection.

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

1. For the purpose of state regulation of nuclear and radiation safety, a legal entity of public law - Nuclear and Radiation Safety Agency shall be established (Regulatory Body).

2. Functions of the Regulatory Body:

- a) implement state regulation and control in the field of nuclear and radiation safety;
- b) authorise the nuclear and radiation activities laid down in Chapter IV of this Law;
- c) state control of nuclear and radiation activity through inspection;
- d) implement coercive measures in case of detection of unauthorized nuclear and radiation activity and violation of licensing and permit conditions of nuclear and radiation activity in accordance with the Georgian legislation;
- e) control of the functioning of physical protection (security) system of radioactive substances and appropriate nuclear and radiation facilities;
- f) participate in the preparedness and response actions to nuclear and radiation emergencies and incidents in accordance with the Georgian legislation;
- g) ensure, within its competence, fulfillment of the requirements of international agreements of Georgia executed in the area of nuclear and radiation safety;
- h) submit an annual report on the radiation situation in the country to the Government of Georgia;
- i) take measures related to informing the public in the field of nuclear and radiation safety in accordance with the Georgian legislation;
- j) render services provided for by the Georgian legislation in the area of nuclear and radiation safety;
- k) perform other functions provided for by the Georgian legislation.

3. Radioactive Waste Management Department shall be established in the regulatory system for performing state management functions of radioactive waste. The Head of this Department shall be appointed and dismissed by the Minister of Environment and Natural Resources of Georgia (hereinafter the Minister) in accordance with the Georgian legislation.

4. The functions of the Radioactive Waste Management Department shall be determined by the Law of Georgia on Radioactive Waste and other legislative and subordinate normative acts of Georgia.

5. Radioactive Waste Management Department shall:

- a) be accountable to, including the Minister;
- b) submit a report to the Minister once in 6 months.

6. Types and fees for services rendered by the Regulatory Body shall be determined by the resolution of the Government of Georgia.

7. Competence of the Ministry in the area of nuclear and radiation safety:

- a) Implementation of state policy in the field of nuclear and radiation safety;
- b) State control of the Regulatory Body activities;
- c) Supervision over implementation of international agreements of Georgia and other legislative and sub-legislative acts of Georgia concluded in the field of nuclear and radiation safety;
- d) Coordination of draft laws and other normative acts projects in the field of nuclear and radiation safety;
- e) Issue of ecological expertise conclusions / environmental impact permits defined by the Law of Georgia on Environmental Impact Permits for appropriate nuclear and radiation facilities;
- f) Control of implementation of state programs in the field of nuclear and radiation safety;
- g) Submit annual report prepared by the Regulatory Body on the radiation situation in the country to the Government of Georgia.

#### **Article 7. (Deleted)**

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

#### **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 the respective 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 the respective local self-government bodies in the sphere of nuclear and radiation safety:

- a) promote the implementation of the state policy;
- b) take part in the implementation of the state programmes;
- c) support the regulatory authority in implementing its powers on the territory under their jurisdiction, to the extent provided for by the legislation of Georgia;
- d) provide assistance to the population affected by harmful exposure to ionising radiation, as provided for by the legislation of Georgia;
- e) take part in making decisions on placing or decommissioning the increased radiation risk nuclear and radiation facilities, on the territory under their jurisdiction.

#### **Article 9 - Other executive authorities in the field of nuclear and radiation safety**

The executive authorities in the field of nuclear and radiation safety shall be the following:

- a) the Ministry of Economy and Sustainable Development of Georgia – issuing a permit for construction of nuclear and radiation facilities and metrological support to ionising 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 ionising radiation generators); ensuring the safety of the transportation, import, export, and transit of radioactive materials; coordinating the efforts aimed to prevent and suppress the illicit traffic of radioactive materials;
- b<sup>1</sup>) the State Security Service of Georgia – ensuring nuclear, radiation, chemical and biological safety at border checkpoints;
- c) the Ministry of Defence of Georgia – ensuring the safety and physical protection of the nuclear and radiation facilities subordinate to the Ministry of Defence, in the event of a nuclear accident – taking part in the liquidation of the consequences of the accident and in other activities provided for by the Law, under the emergency response plan;
- d) (Deleted - 25.03.2013, №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 under 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, feed, and soil;

- g) the Ministry of Foreign Affairs of Georgia – exercising control over the fulfillment of the commitments of Georgia under international agreements, coordinating relations with international organisations;
- h) the Ministry of Finance of Georgia – issuing permits for export, import or transit dual use products, exercising control over nuclear and radioactive materials export from, import to, and transit through the territory of Georgia

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

*Law of Georgia No. 448 of March 25, 2013 - website,*

*05.04.2013. Law of Georgia №3969 of July 8, 2015 Law of Georgia No 4486 of November 11, 24.11.2015.*

#### **Article 10. (Deleted)**

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

### **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. The nuclear and radiation safety requirements shall be defined in the subordinate normative act Radiation Safety Standards and Basic Requirements for Handling the Sources of Ionising Radiation.
2. To obtain authorisation, the person performing an activity (operator) shall submit to the Ministry a radiation protection programme or, proceeding from the radiation risk of the activity, a nuclear and radiation safety assessment describing the ways of fulfilling the nuclear and radiation safety requirements.
- 3., A holder of a licence for a high radiation risk nuclear and radiation activity shall, once every ten years, 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 an assessment, shall be defined by the respective normative act of the Minister for Environment and Natural Resources Protection of Georgia.
6. Without the consent from the Ministry, the operator may not introduce any changes in its activity that may affect the radiation safety of workers and/or the environment.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

*Law of Georgia №488 of March 25, 2013 – website, 05.04.2013*

*Law of Georgia №4486 2015 of November 11, 2015 - website, 24.11.2015.*

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

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. The import, export, and processing of radioactively contaminated raw materials, food, potable and mineral water, as well as of any other product and goods having had contact with them shall be prohibited, if the level of contamination exceeds the established permissible levels of contamination.
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.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

### **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.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

### **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.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

#### **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 (protection) 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.

5<sup>1</sup> The list of agreed documents submitted by the Operator to the Regulatory Body and relevant requirements set out in Article 23 of this Law are licensing conditions which are mandatory for the license holder in the implementation of nuclear and radiation activity.

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

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

*Law of Georgia No. 2932 of December 12, 2014 - website, 23.12.2014.*

#### **Article 18 - Conditions for issuing permits**

1. The Regulatory Body 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.

*Law of Georgia No. 3672 of May 29, 2015 - website, 04.06.2015*

### **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 Regulatory Body 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 Regulatory Body.

Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.

### **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 defined by 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 observe the following licence conditions:

- a) ensure nuclear and radiation safety, physical protection, and emergency preparedness;
- b) systematically assess, in view of the modern technical and scientific research level, nuclear and radiation safety, and introduce the assessment findings in practice;
- c) immediately investigate any violation, take actions to prevent such violations and prevent their recurrence; conduct an inquiry into every case of exceeding the permissible radiation level and report the findings in writing to the Regulatory Body;
- d) give a written notice of any change in or expansion of an activity and present the respective documents

pertaining to such change, as well as an updated radiation protection programme, to the Regulatory Body;

e) at all stages of handling the sources of ionising radiation, fulfill the commitments under the radiation protection programme comprising quality assurance and monitoring programmes and a radiation accident response plan;

f) comply with the measuring and measuring devices unification requirements defined by administrative and technological conditions;

g) accept only those sources of ionising radiation that are accompanied by the respective documents and a benchmark placed in a respectively labeled protective packaging (container);

h) grant the right to handle the sources of ionising radiation and radioactive waste only to persons having special professional expertise, meeting the conditions laid down by the legislation of Georgia and having no medical contraindications to performing such activity;

i) immediately inform the Regulatory Body of any deviations occurring in technological processes, and of violations in the physical protection conditions and/or emergency preparedness, significant for nuclear and radiation safety;

j) keep the public informed on nuclear and radiation safety issues not constituting a state or commercial secret;

k) provide adequate conditions for the Regulatory Body to conduct unimpeded inspections;

l) organise and finance annual occupational health examination of workers, and transfer of a worker to another profile job, should the examination yield negative results;

m) arrange communication with relevant bodies to ensure timely notification on nuclear and radiation accidents;

n) prepare and hand over, in compliance with the requirements laid down by the legislation of Georgia, to the respective physical or legal person, radiation materials, radioactive sources intended for transportation and radioactive waste to be assigned to a radioactive waste management or storage facilities;

o) provide radiation safety of the persons present and working under contracts at the facilities;

p) to ensure an 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, and in physical protection issues;

r) carry out the procedure of transferring or selling nuclear materials or other sources of ionising radiation only after receiving the respective notice and obtaining the respective permission;

s) record sources of ionising radiation, nuclear materials and generated radioactive waste, as well as occupational radiation doses of workers (including contract workers), and annually report inventory results to the Regulatory Body;

t) for a high radiation risk facility, develop a decommissioning plan, for which it shall perform an adequate study and monitoring of the nuclear and radiation facility and give the Regulatory Body the relevant notice;

u) comply with all the requirements, set by the Regulatory Body to prevent harmful impact on the health of the population and the environmental impact, and to ensure radiation safety and physical protection;

v) for a high radiation risk activity, conduct a safety assessment once every ten years and submit the conclusions t

o the Regulatory Body;

w) ensure the production of documents related to nuclear and radiation activities;

x) annually, from 1 April to 1 May, submit a licence conditions compliance report to the Regulatory Body, except for the cases, when the licence holder receives the licence during the six months preceding the commencement of accounting period.

*Law of Georgia No 2932 of December 12, 2014 - website, 23.12.2014.*

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

#### **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, pursuant to the local radiation emergency response plan, give notice to the Regulatory Body, and in the event of a radiation accident – additionally, to the local self-government bodies, as well as to any other authorities identified in the radiation emergency response plan, for them to take adequate emergency measures;

b) in the event of a radiation accident, immediately inform the population of the potential hazard;

c) mitigate the consequences of a radiation accident and/or incident and take actions to protect workers and other persons from its harmful impact;

d) monitor the irradiation of workers and the spread of radionuclides in the environment;

e) limit and control the radiation exposure for workers involved in the liquidation of the radiation accident and/or incident consequences;

f) carry out measures defined by the legislation of Georgia to prevent a radiation accident and/or incident and liquidate its consequences.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

### **Chapter VI - Inspection**

#### **Article 25 - Inspection conditions**

1. The Regulatory Body shall conduct an inspection in accordance with the Ordinance 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 Regulatory Body may assign an inspector to a site of a licensed activity or a site of an activity or works, for which the necessity for such inspection has been determined.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

#### **Article 26 - Conducting inspection**

1. The Regulatory Body is authorized to conduct an inspection and all measures necessary for determining compliance with the requirements of the legislation of Georgia and the licence conditions.

2. Any area of a nuclear and radiation facility where the respective activity is being conducted must be accessible for inspectors for them to:

a) perform the instrumental measurements required and obtain the information necessary for determining the compliance of nuclear and radiation safety conditions with the requirements;

b) make sure the compliance requirements of the legislation of Georgia are met and the licence conditions are fulfilled;

c) determine the degree of preparedness for radiation accidents and/or incidents and the compliance of the performed response liquidation works with the approved plan;

d) interview any worker who can potentially provide any information useful for inspection.

3. Inspection shall be conducted:

a) to assess the safety conditions of a nuclear and radiation activity;

b) during execution of an activity defined by a licence;

c) in case of revoking a licence;

d) in case of revoking the right for an individual type of activity under the licence.

4. Inspection may be planned and random:

a) A planned inspection shall be conducted pursuant to a developed and approved inspection programme. The Regulatory Body shall give the licence holder a well-grounded notice in advance of conducting such inspection.

b) An inspection, in case of both a licensed and unlicensed activity, may be performed without taking into consideration the schedule provided for by the inspection programme (random inspection), as required.

5. In case of a radiation accident, an unforeseen event, or an alleged violation of law, an operational inspection may be conducted without giving any prior notice to the licence holder.

6. By the decision of the Regulatory Body, a comprehensive inspection may be conducted with the joint participation of the Regulatory Body employees and other, invited specialists.

7. Proceeding from the present conditions, the Regulatory Body may inspect a particular area of nuclear and radiation activity.

8. Proceeding from the existing situation, an inspection may be conducted without giving any prior notice to the licensee.

9. The results of inspection shall be reflected in an inspection report executed on site. Fines imposed on the licensee shall be recorded in the respective administrative offence report.

10. The Regulatory Body shall record, document and assess the inspection results. Based on the assessment, the Regulatory Body shall draft a report and submit it to the licence holder. The requirements defined in the report shall be binding on the operator.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

## **Chapter VII - Coercive Measures**

### **Article 27 - Coercive measures**

1. The holder of the licence for the activity defined in Article 1(2)(f) of this Law shall comply with the requirements of the legislation of Georgia and fulfill the licence conditions. Otherwise, the licence holder shall be subject to the coercive measures prescribed by law.

2. The legislation of Georgia shall determine the responsibility for any unauthorised nuclear and radiation activity.

3. In case of revealing violation of the requirements of the legislation of Georgia and/or the licence conditions on the part of a physical or legal person, the Regulatory Body shall be obliged to carry out the actions provided for by the Code of Administrative Offences of Georgia.

4. The Regulatory Body shall set a reasonable term for rectifying the revealed violations and give the offender a respective written notice.

5. The Regulatory Body shall be entitled to set additional conditions to a licence holder whose activity may incur damage to the population and/or contaminate the environment and/or revoke the licence, as prescribed by the legislation of Georgia.

6. A physical and/or legal person shall bear responsibility for committing a criminal offence while performing an activity regulated by this Law, as prescribed by the Criminal Code of Georgia.

### **Article 28 - Taking coercive measures during inspection**

1. If the activity of a facility regulated in the field of nuclear and radiation safety is performed in violation of radiation safety standards and/or such activity may cause any instant and direct hazard to human life or health, the environment, or any respective evidence, an inspector may suspend the activity of the regulated facility in the area (seal the facility, plant, unit, equipment, as necessary) and immediately notify the Regulatory Body. The Regulatory Body shall file a respective application in court, in accordance with the legislation of Georgia.

2. An inspector shall have the right to request that the licence holder does not permit a worker, failing to comply with the work requirements, access his/her workplace.

3. In provided for 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 an inspector.

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

## **Chapter VIII - Radiation Emergency Preparedness and Response**

### **Article 29 - National radiation accident response policy**

1. The Government of Georgia shall define the national strategy for radiation emergency response.

2. In case of 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, a licence holder shall:

a) define procedures for obtaining assistance from first responder organisations, including the preparatory work necessary for maintaining communication with them;

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

c) provide a description of the methodology of assessing a potential radiation accident and/or incident and its consequences, taking into consideration the equipment necessary for its liquidation;

d) define the requirements for providing teaching and practical training to service personnel to ensure emergency preparedness;

e) ensure fulfillment of accident zoning requirements;

f) define procedures for giving prior notice to the part of the population, which may be affected by the radiation accident.

2. A licence holder shall periodically review and, if necessary, update the radiation emergency response plan.

### **Article 31 - National radiation accident**

The national radiation emergency response plan shall define all necessary obligations and actions and distribute them among the respective public authorities and non-governmental organisations, including the preparatory work to be carried out to ensure communication among them and notifying 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 be obliged to send an immediate notice to the International Atomic Energy Agency and to the respective authorities of the countries for whom the consequences of the accident are significant in terms of radiology.

2. The Regulatory Body shall be the contact institution with respect to the fulfillment of the terms and conditions of international documents ratified by Georgia in the field of nuclear and radiation emergency preparedness and response.

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

1. Any radiation accident and/or incident, regardless of its scale, must be investigated, to identify its causes and prevent its recurrence.

2. A licence holder shall be obliged to investigate a facility radiation accident and/or incident having occurred in the course of performance of any activity defined in the licence, in compliance with the requirements of Article 23 of this Law.

3. The Regulatory Body shall be obliged to organise an investigation of a radiation accident to be carried out jointly with other responsible agencies, according to the existing response plan, and assess the results of the investigation.

4. The Regulatory Body, jointly with other responsible agencies, 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 Regulatory Body shall be obliged to present a report to the Ministry to be submitted to the Government of Georgia and to the International Atomic Energy Agency, as well as to any foreign country that may be affected by the consequences of the accident.

## **Chapter IX - Radioactive Waste**

### **Article 34 - Radioactive waste Management**

1. Radioactive waste management shall be executed in accordance with the principles and requirements laid down by this Law, the Law of Georgia on Radioactive Waste and the respective normative acts.

2. The Government of Georgia shall formulate a state strategy to ensure the safety and physical security (protection) of radioactive waste.

3. Based on the state strategy of radioactive waste management, the Regulatory Body shall establish radiation safety and physical security (protection) requirements and rules aimed at protecting human health and the environment from any harmful impact resulting from handling of radioactive waste;

4. The transit of radioactive waste shall be prohibited on the whole territory of Georgia, as well as import of

radioactive waste generated outside the territory of Georgia and re-export of radioactive waste for any purposes .

*Law of Georgia No. 488 of March 25, 2013 – website, 05.04.2013.*

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

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

1. A 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 (safety) of radioactive waste (including uncontrolled (abandoned) radioactive sources), whose owner cannot be identified.

#### **Article 36 - Radioactive waste export**

1. (Deleted - 11.11.2015, №4486).
2. Radioactive waste may be exported only based on a respective permit issued by the Regulatory Body.
3. It shall be prohibited to export any radioactive waste produced in Georgia for its storage and disposal south from 60 degrees South.
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.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

### **Chapter X - Transportation of Radioactive Materials**

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

1. This law and the respective subordinate normative acts shall establish the requirements for safe transportation of radioactive materials.
2. Safe transportation of radioactive materials requires the implementation of the respective physical protection measures.
3. The transportation of radioactive materials without the respective licence granted by the Regulatory Body shall be prohibited.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

### **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, to, or through the territory of Georgia.
2. To obtain a permit for the import and export of nuclear technologies or know-how, copies of the licences of the issuer and recipient of such technologies need not be submitted.

#### **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 Regulatory Body in the manner laid down by Article 18 of this Law and the Law of Georgia on Licences and Permits.

3. Granting a permit for export of radioactive materials shall imply:

- a) the consignor's notification on sending radioactive materials;
- b) the consignee's assurance on receiving the radioactive materials;
- c) a 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 imply:

- a) fulfillment by the consignee and consignor of international obligations under the Nuclear Non-proliferation Safeguards for nuclear materials;
- b) transportation 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 to the territory of Georgia on the basis of a permit issued by the Regulatory Body. The procedure for granting the permit is laid down by Article 18 of this Law and the Law of Georgia on Licences and Permits.

2. Granting a permit for import of radioactive materials shall imply:

- 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 imply:

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

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

#### **Article 41 - Transit of radioactive materials**

1. Radioactive materials may be transited through the territory of Georgia on the basis of a permit issued by the Regulatory Body. The procedure for granting the permit is laid down by Article 18 of this Law and the Law of Georgia on Licences and Permits.

2. Granting a permit for transit of radioactive materials shall imply:

- a) provision of information on the point of destination of the radioactive materials;
- b) the consignee's assurance on 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.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

## 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 respective nuclear and radiation facility (other than a radioactive waste burial/disposal facility) that shall be ensured by the licence holder in accordance with the licence conditions.

2. Requirements of nuclear and radiation facility decommissioning are defined by Technical Regulation Rules for Handling with Radioactive Waste.

3. The nuclear and radiation facility shall be subject to regulatory control until the licence holder furnishes the Regulatory Body with the evidence of having reached the final state, specified by the decommissioning plan and for having complied with any additional legal requirement.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

### 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 be obliged to prepare a decommissioning plan. The decommissioning plan shall be agreed upon with the respective state authorities, within their competence.

2. If the existing circumstances have necessitated significant changes in the original decommissioning plan, the licence holder shall be obliged to revise the plan and update it by reflecting the changed circumstances. An updated decommissioning plan shall be submitted to the Regulatory Body.

3. The licence holder shall be responsible for implementing the measures under the decommissioning plan in a safe manner and ensuring the safety of the service personnel involved in decommissioning operations.

4. The Regulatory Body shall exercise state control over the sites 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, as well as seeking and receiving assistance for the creation of nuclear weapons and other explosive devices containing nuclear materials shall be prohibited on 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 1-11s of 24 April 2003) (the Agreement), the International Atomic Energy Agency shall be entitled to implement safety measures in Georgia for the 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 2-11s of 24 April 2003 (the Additional Protocol).

3. The Ministry shall ensure:

- a) fulfilling Georgia's commitments under the Agreement and the Additional Protocol;
- b) gathering the information necessary for the fulfillment of the Agreement and the Additional Protocol and submitting it 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) coordinating efforts with the Ministry of Foreign Affairs, the Ministry of Internal Affairs and the Ministry of Finance of Georgia, in connection with the information dissemination (provision) under the Agreement and the Additional Protocol;
- e) creating and putting into practice a state system for registration and control of nuclear materials in Georgia by introduction of Order of the Minister of Environment and Natural Resources Protection of Georgia On Approval of the Procedure for Carrying out Activities Connected to Nuclear Non-proliferation Safeguards.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

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

The respective agencies 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 imply:

- a) timely provision of the information under the Agreement and the Additional Protocol;
- b) access to the inspection site for the International Atomic Energy Agency inspectors under the Agreement and the Additional Protocol;
- c) supporting the inspectors in accomplishing their tasks;
- d) providing assistance to the inspectors, as necessary.

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

1. Under the Agreement and the Additional Protocol, an authorised representative of the Regulatory Body and inspectors designated by the International Atomic Energy Agency shall have the right to access 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 performing a regulated activity shall allow the inspectors designated by the International Atomic Energy Agency to carry out measures in order for Georgia to fulfill its commitments under the aforementioned documents.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

#### **Article 48 - Obligations of licence holders in the field 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 by the Agreement, shall be obliged to:

- a) take their inventory in accordance with the requirements of the Agreement and the Additional Protocol;

- b) timely provide the Regulatory Body with the documents in the respective form concerning the existing nuclear materials;
- c) take measurements of nuclear materials and ensure the effectiveness of the measurement system control programme in the prescribed manner;
- d) inform the Regulatory Body on the layout of the facility, taking into consideration any changes made;
- e) maintain the register of nuclear materials in the prescribed manner;
- f) give the Regulatory Body and the Ministry of Economy and Sustainable Development of Georgia a prior notice of import or export of nuclear materials or related equipment in the prescribed manner;
- g) ensure the physical protection of nuclear materials and take safety measures in the prescribed manner;
- h) immediately inform the Regulatory Body and the Ministry of Internal Affairs of Georgia on the loss of nuclear materials beyond permissible limits;
- i) provide the Regulatory Body with the information on any planned future activities, in the prescribed manner.

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

#### **Chapter XIV - Rights and Obligations of Georgian Citizens, Stateless Persons, and Aliens in the Field of Nuclear and Radiation Safety**

##### **Article 49 - Rights and obligations of Georgian citizens, stateless persons, and aliens in the field 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 field of nuclear and radiation safety;
- b) take measures provided for by the legislation of Georgia to ensure nuclear and radiation safety and radiation emergency preparedness.

2. Georgian citizens, stateless persons and aliens shall have the right to:

- a) live and work in the environment safe in terms of radiation;
- b) obtain from competent authorities reliable and timely information on the nuclear and radiation situation.

#### **Chapter XV - Physical Security (Protection) System**

##### **Article 50 - Regulation of physical security (protection)**

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

2. The core principles of physical security (protection) shall be:

- a) responsibility of the State – establishing, putting into practice and maintenance of a physical security (protection) system;
- b) responsibility for international transportation – in the case of the international transportation of radiation materials, Georgia's responsibility for their adequate protection shall extend until such responsibility respectively transfers to another country;
- c) legal and regulatory system – the Government of Georgia shall create and maintain a legal framework for management of physical security (protection) that provides requirements to a licence holder for ensuring physical security (protection) of nuclear and radiation facilities, as well as a mechanism for fulfilling such requirements;
- d) responsibility of a licence holder –

the responsibility of a licence holder for implementing various elements of physical security (protection);

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

f) gradual approach – a sequence of acts that implies the assessment of danger and stage-by-stage implementation of measures ensuring physical security (protection);

g) deep protection – reflecting the multilevel security and security methods (structural and technical, individual, and organisational) in physical security (protection) requirements, that an offender will have to overcome to achieve his/her goals;

h) quality assurance – development and implementation of a physical security (protection) quality assurance programme to ensure the fulfillment of the established requirements;

i) radiological 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 obligation of the competent public authorities to establish control over drafting the plans;

j) confidentiality – formulation of data protection requirements to prevent violation of the safety conditions of nuclear materials and nuclear and radiation facilities.

#### **Article 51 - Responsibility for physical security (prevention), prevention of violations**

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

a) the conditions minimising the chances of taking an unauthorised possession of and committing acts of sabotage in relation to radioactive materials and other sources of ionising radiation;

b) technical assistance and provision of information on lost nuclear materials and other sources of ionising radiation; if they are found, taking 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 safeguards in place to ensure the protection of nuclear materials and other sources of ionising radiation;

d) measures to protect information on the physical security (protection) of nuclear and radiation materials.

### **Chapter XVI - Responsibility for Violation of the Requirements of the Legislation of Georgia in the field of Nuclear and Radiation Safety**

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

The responsibility for violation of the requirements of the legislation of Georgia in the field of nuclear and radiation safety shall be defined by the legislation currently in force, 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 enacted (issued) in connection with entering into force of the Law**

1. In connection with entering into force of this Law, the Law of Georgia on the Radioactive Waste shall be adopted by 1 January 2016.

2. The Government of Georgia shall, by 1 September 2013, ensure the approval of the list of the information 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 at the Ministry of Defence of Georgia.

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

- a) On Approval of the Procedure for Inspection of Nuclear and Radiation Activity;
- b) (Deleted – 12.12.2014, No 2932);
- c) (Deleted – 12.12.2014, No 2932);
- d) (Deleted – 12.12.2014, No 2932);
- e) (Deleted – 12.12.2014, No 2932);
- f) (Deleted – 12.12.2014, No 2932);
- g) Procedure for Responding to the Illegal Traffic of Nuclear and Radioactive Substances
- h) (Deleted – 12.12.2014, No 2932);
- i) (Deleted – 12.12.2014, No 2932);
- j) (Deleted – 12.12.2014, No 2932);
- k) (Deleted – 12.12.2014, No 2932);
- l) (Deleted – 12.12.2014, No 2932);
- m) (Deleted – 12.12.2014, No 2932);
- n) (Deleted – 12.12.2014, No 2932).

4. The Government of Georgia shall issue the following ordinances by 1 January 2015:

- a) Scrap Metal Radiation Monitoring Procedure
- b) Procedure for Authorisation and Creating and Maintaining of the Departmental Register of Sources of Ionising Radiation and Radioactive Waste; Ionising Radiation Sources Categorisation

5. The Minister for Environment and Natural Resources Protection of Georgia shall issue the following orders by 1 January 2016:

- a) (Deleted – 11.11.2015, №4486);
- b) (Deleted – 11.11.2015, №4486);
- c) On Approval of the Form of Reporting on Complying with Licence Requirements for Nuclear and Radiation Activities.

5<sup>1</sup>. The Minister for Environment and Natural Resources Protection of Georgia shall issue the following orders by 1 January 2018:

- a) On Approval of the Procedure for Carrying out Activities Connected to Nuclear Non-proliferation Safeguards;
- b) On Physical Security (Protection) of Nuclear and Radiation Facilities, Radioactive Sources and Waste, and Other Sources of Ionising Radiation.

6. The Government of Georgia shall issue the following ordinances by 1 January 2016:

- a) (Deleted - 11.11.2015, №4486);
- b) (Deleted - 11.11.2015, №4486);
- c) (Deleted - 11.11.2015, №4486);
- d) (Deleted - 11.11.2015, №4486);
- e) (Deleted - 11.11.2015, №4486);

f) On the approval of Technical Regulations - "Radiation safety norms and basic requirements related to

handing of ionizing radiation sources";

g) On approval of Technical Regulations - "Conducting and Control of Individual Monitoring Activity".

7. The Government of Georgia shall issue the following ordinances by 1 January 2018:

a) On approval of the technical regulation on Nuclear and Radiation Accident Preparedness and Response Plan;

b) On the approval of technical regulations on Radiation safety requirements for medical exposure;

c)

On approval of the technical regulation on Radiation Safety Requirements in Industry, Science, and Education;

d)

On approval of the technical regulation on Procedure for Transportation of Nuclear and Radioactive Substances;

e) On approval of the technical regulation on Basic Requirements for Quality Assessment and Quality Control of Sources of Ionising Radiation;

f) On approval of the Types and Fees of Services Provided by the Legal Entity of Public Law - Nuclear and Radiation Safety Agency within the Ministry of Environment and Natural Resources Protection of Georgia"

*Law of Georgia No. 488 of March 25, 2013 – website, 05.04.2013.*

*Law of Georgia No. 2932 of December 12 2014 - website, 23.12.2014.*

*Law of Georgia No. 4486 of November 11, 2015 - website, 24.11.2015.*

*Law of Georgia No. 125 of December 21, 2016 - website, 29.12.2016.*

#### **Article 54 - Nuclear and radiation safety licences and permits issued prior to entering into force of the Law**

The licences and permits issued prior to entering into force of this Law under the Law of Georgia on Nuclear and Radiation Safety of 30 October 1998 and Resolution No 135 of the Government of Georgia of 11 August 2005 On Approval of the Regulations on the Procedure and Conditions for Issuing 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 Law of Georgia on Nuclear and Radiation Safety of 30 October 1998 (Legislative Herald of Georgia No 5, 1998, Article 40) shall be declared null and void.

2. This Law, except Articles 1-52, Article 54, and Article 55(1) of this Law shall enter into force upon promulgation.

3. Articles 1-52, Article 54, and Article 55(1) of this Law shall enter into force as from 1 May 2012

**President of Georgia**

**M. Saakashvili**

**Tbilisi**

**20 March 2012**

**No 5912 – ES**