

NATIONAL IMPLEMENTATION MEASURES FOR THE IAEA CODE OF CONDUCT ON THE SAFETY AND SECURITY OF RADIOACTIVE SOURCES

FACTS ABOUT THE CODE OF CONDUCT

The 'Code of Conduct on the Safety and Security of Radioactive Sources' (Code of Conduct) was approved by the Board of Governors of the International Atomic Energy Agency (IAEA) in September 2003. The IAEA General Conference welcomed the Board's approval that same month in resolution GC(47)/RES/7. The current version of the Code of Conduct was published in January 2004.



Radiation safety. National Radiological Protection Board/IAEA Image Bank

The Code of Conduct and its supplementary 'Guidance on the Import and Export of Radioactive Sources' (Guidance) only apply to certain radioactive sources as defined in Paragraph 1 of the Code:

'radioactive material that is permanently sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It also means any radioactive material released if the radioactive source is leaking or broken, but does not mean material encapsulated for disposal, or nuclear material within the nuclear fuel cycles of research and power reactors'.

Accordingly, the Code of Conduct and its supplementary Guidance do not apply to nuclear material as defined in the Convention for the Physical Protection of Nuclear Material (CPPNM), with the exception of sources incorporating plutonium-239. Nor do they apply to radioactive sources used in defence or military programmes.

The Code of Conduct was drawn up to assist States in developing and maintaining high levels of safety and security for radioactive sources. It provides a basic governance framework for radioactive sources made up of key safety and security requirements that States should ensure are addressed in their laws and regulations, as well as by their administrative bodies. It does not, however, provide a detailed or exhaustive list of measures.



IS MY STATE UNDER AN OBLIGATION TO IMPLEMENT THE CODE OF CONDUCT?

The Code of Conduct and its supplementary Guidance are voluntary in nature and not legally binding. However, the IAEA General Conference, in resolution GC(47)/RES/7 (September 2003), urged each State to write to the IAEA Director General to show their support for the Agency's efforts in this area and that they were 'working towards following the guidance' contained in the Code. Over 120 States have submitted a statement of political support.

WHAT FORMS OF LEGISLATION SHOULD MY STATE CONSIDER?

Paragraphs 18 and 19 of the Code of Conduct propose elements for a legislative framework for the safety and security of radioactive sources.

Paragraph 18 recommends that States enact laws and regulations to:

- (a) prescribe and assign governmental responsibilities to assure the safety and security of radioactive sources;
- (b) provide for the effective control of radioactive sources;
- (c) specify the requirements for protection against exposure to ionizing radiation; and
- (d) specify the requirements for the safety and security of radioactive sources and of the devices in which sources are incorporated.

Paragraph 19 provides more specific recommendations, including:

- (a) the establishment of a regulatory body whose regulatory functions are effectively independent of other functions with respect to radioactive sources, such as their management or the promotion of their use;
- (b) measures to protect individuals, society and the environment from the deleterious effects of ionizing radiation from radioactive sources;

(c) administrative requirements relating to the authorization of the management of radioactive sources, and exemptions from such requirements;

(d) administrative requirements relating to notifications to the regulatory body of actions involved in the management of radioactive sources that may engender a significant risk to individuals, society or the environment;

(e) managerial requirements relating in particular to the establishment of adequate policies, procedures and measures for the control of radioactive sources;

(f) requirements for security measures to deter, detect and delay the unauthorized access to, or the theft, loss or unauthorized use or removal of radioactive sources during all stages of management;

(g) requirements relating to the verification of the safety and security of radioactive sources, through safety and security assessments, monitoring and verification of compliance, and the maintenance of appropriate records; and

(h) the capacity to take appropriate enforcement actions.

Paragraphs 20 to 22 propose elements for a regulatory body, including its powers and responsibilities.

ARE THERE ADDITIONAL MEASURES MY STATE SHOULD TAKE?

Yes. The 'Guidance on the Import and Export of Radioactive Sources', which is supplementary to Paragraphs 23 to 29 of the Code of Conduct, provides non-legally binding guidance for States on how to regulate imports and exports of certain radioactive sources. It is intended to establish a 'common framework' that States may apply to Category 1 and 2 radioactive sources, as well as to other types. However, Paragraph 5 of the Guidance cautions that it 'should not be construed to amend or supersede applicable guidance under other multilateral import and export arrangements'.

WHERE SHOULD MY STATE'S LEGISLATIVE DRAFTERS TURN FOR ASSISTANCE?

- The **IAEA** has a legislative assistance programme, which is implemented by the Office of Legal Affairs (OLA). OLA supports States in developing comprehensive nuclear law governing nuclear safety, nuclear security, safeguards and liability for nuclear damage. OLA provides legislative assistance and advice to States on drafting specific legal provisions that meet their international commitments and obligations in the nuclear field.
- **VERTIC's NIM Programme** assists States in understanding what measures are required at the national level to comply with the prohibitions and preventive measures in the Biological Weapons Convention, the Chemical Weapons Convention, UN Security Council Resolution 1540 and the international instruments to secure nuclear and other radioactive material. VERTIC's NIM Programme provides cost-free legislative assistance to interested States for the implementation of certain CBRN treaties and related legal instruments. Such assistance can include reviewing and commenting on existing draft legislation or providing assistance in the drafting of new legislation during workshops in capitals.

HOW CAN MY STATE CONTACT THE IAEA?

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