

STATUTE
of the National Agency for Regulation of Nuclear and Radiological Activities

Approved by Governmental Decision nr. 328 from 23.03.2007

I. GENERAL PROVISIONS

1. The National Agency for Regulation of Nuclear and Radiological Activities (further Agency) is national authority which carrying out the function on regulation, authorization and control in nuclear and radiological field and has been founded for fulfillment the Law on safe development of nuclear and radiological activity № 111-XVI from 11 May 2006 (Official Monitor of the Republic of Moldova, 2006, № 98-101, art.451).
2. The Agency is the central branch body under the Ministry of Ecology and Natural Resources with location in mun. Chisinau.
3. The Agency is the legal person, has a stamp with the State Emblem of the Republic of Moldova, bank accounts, material resources and other necessary attributes. Financing of the Agency is carried out from the state budget, stipulated by separate article, and with from other legal sources too.
4. The Agency is independent in decision-making on regulation of nuclear and radiological activities.
5. The Agency in its activity is guided by the Constitution of the Republic Moldova, legal acts, Decrees of the President of the Republic of Moldova, Government decisions, orders and dispositions of Ministry of Ecology and Natural Resources, which do not influence decision-making and financial independence of the Agency, by the international Conventions and agreements in the field of nuclear and radiological activities which the Republic of Moldova is party, others normative acts, as by the present Statute.
6. The present Statute establishes organizational-legal status, the purposes, duties, functions and the rights of the Agency.
7. The Agency, as the central branch body in the field of regulation of nuclear and radiological activities, carries out functions of the national coordinator in relations with the International Atomic Energy Agency, other international profile bodies.

II. THE PURPOSES OF AGENCY

8. The Agency has the following basic purposes:
 - establishes of mechanisms of assurance of safety of nuclear and radiological activities, their maintenance at an adequate level in any area concerning use of ionizing radiation sources;
 - prevention of unauthorised nuclear and radiological activities according to the obligations of Republic Moldova follows from the Non-Proliferation Treaty of the Nuclear Weapon and from other international agreements, which the Republic Moldova is party;
 - annual up-to date of the National Register of ionizing radiation sources and of authorized physical and legal persons;
 - information in time of central branch bodies of public administration on hunt of infringements which can lead to unjustified irradiation of personnel, public or to environmental contamination with radioactive substances.

III. DUTIES OF AGENCY

9. The Agency has the following basic duties:
 - development of examination procedure and delivery of the conclusions on clearing of the control and of conditions of a regulation;
 - assurance the protection and non-dissemination of the confidential commercial and personal information;

- maintenance of continuous link with other competent state bodies, other bodies having competences in the field of nuclear and radiological activities, and delivering of the necessary information;
- assurance of safety keeping of the corresponding documentation concerning to safety and exploitation of installations;
- operative, authentic and competent informing of user by accessible methods (periodic publication, including through official page on the Internet) about changes in the legislation, norms, regulations concerning oven activity;
- corroboration of competence of the personnel responsible for safe operation of installations;
- development of examination procedures of contestations of the decisions of the Agency;
- assurance of training of own staff and staff for the bodies having competences in the field of nuclear and radiological activities.

IV. THE AGENCY FUNCTIONS

10. The Agency carries out the following basic functions:

- presents to the Government the annual report on its activity;
- presents, on the Government or other public bodies requests, the information regarding:
 - a) situations which can influence on the national level safety and security of nuclear and radiological objects;
 - b) situations which can affect both interests of the Republic Moldova, and radiation protection of the population, environment, assets from the country;
- provides, within the limits of its competence, implementation and performance of the current legislation on nuclear and radiological activities and the international agreements in the given area which party is the Republic Moldova;
- develops normative base establishing basic requirements on safety of nuclear and radiological activities, protection against ionizing radiation, quality assurance, control over non-proliferation of the nuclear weapons, physical protection and safety of radioactive sources, intervention and investigation in case of radiological (nuclear) incidents and accidents;
 - establish of authorization, supervision and control procedures, stipulated by internal regulations;
 - considers applications on reception of authorizations of nuclear and radiological activities;
 - register, on the basis of notification, the nuclear and radiological activities;
 - gives out safety certificates for installations (equipments) with ionizing radiation sources according to the current legislation;
 - gives out certificates of admission of the personnel borrowed in nuclear and radiological area;
 - carries out the state control and supervision with the purposes of control the safety conditions of nuclear and radiological activities, and also of respects of requirements of legal acts and other norms of specific conditions, stipulated in the license or in the certificate of registration, with delivering of control acts and corresponding prescriptions;
 - takes measures, according to the current legislation, in case of detection of infringement of requirements follows legal acts and norms in the field of nuclear and radiological activities;
 - carries out revision of normative acts, for their harmonization with the international agreements and standards in the given area and taking measures on its implementation;
 - operatively manage the national Register of ionizing radiation sources and of legal and physical authorized persons;
 - cooperates, according to the current legislation, with regulatory bodies from other countries and with the international profile organizations;
 - accreditate the national experts in nuclear and radiological area with delivering of the corresponding certificate;
 - develops and approves the internal regulations;
 - carries out continuous training and improvement of the personnel of the Agency, including using of technical support from abroad;
 - promote specific interests of the Republic of Moldova in relations with IAEA, with other international organizations which are carrying out similar activity;

- provides the control over non-proliferation of the nuclear weapon and nuclear safeguards, physical protection of materials, radiation protection, transportation of radioactive materials, management of radioactive waste according to the international agreements, which party is the Republic of Moldova;
- gives the conclusions on projects of the normative acts concerning to nuclear and radiological area;
- carries out other duties following from the Law on safe deployment of nuclear and radiological activities.

V. THE AGENCY'S RIGHTS

11. The Agency has the following rights:

- to unlimited access to places where the nuclear and radiological activities are subject of control;
- to demand from controllable physical and legal persons of performance of positions of operating legal acts, and also conditions of the authorization and prescriptions;
- to carry out measurements and to establish the necessary equipment for supervision and control;
- to demand carrying out of selection and acceptance the tests of materials and products which are the directly or indirectly are subject of the control;
- to access to all information, technical and contract data in any form, necessary for performance of control missions, with respect of confidentiality;
- to demand from physical and legal persons - owners of the license or certificate of registration the reports, the information and notices under the form according to requirements of legal acts and norms;
- to demand from physical and legal persons, owners of the license or the certificate, on registration the accounting of radioactive and nuclear materials, sources of ionizing radiation and the activities which is the subject of the control, over the form according to requirements legal acts and norms;
- to demand from the applicant or the owner of the license or the certificate on registration the demonstration of presence of necessary protection equipments;
- to stop or withdraw the certificate of registration or documents on the right of the admission in case of infringement by owners the current legislation requirements and conditions of the authorization;
- to demand from Chamber of License to stop or to withdraw the license in case of infringement by the owner the current legal acts and conditions of licensing;
- to participate in works of profile international bodies according to the duties stipulated in the present Statute or other deputations given from central authorized bodies;
- to carry out other duties according to the current legislation.

VI. MANAGEMENT OF AGENCY

12. The Agency is managed by the director general appointed by the Government decision under the proposal of the Minister of ecology and natural resources.

13. In his activity the director general of the Agency is subordinate directly to Minister of ecology and natural resources within the limits of official problems and duties.

14. The director general of the Agency is from the office the main State inspector in the field of regulation of radiological and nuclear activities.

15. The deputy general director, who cumulus the duties of head of department of authorization, supervision and control of nuclear and radiation security, is appointed to a post and is dismissed by the director general of the Agency in coordination with Minister of ecology and natural resources and organize his activity according to the allowed duties.

16. The director general of the Agency carries out the following functions:

- organizes the activity according to the present Statute and carry on the personal responsibility for effective functioning of the Agency;
- provides performance of legal laws and norms in the field of assurance of radiation protection and safety of nuclear and radiological activities;
- disseminates and delimitates duties of the Agency's divisions and employees;

- employs and dismisses the Agency's staff according to the current legislation;
- approves regulations of subordinated divisions;
- emits orders, provisions and supervised their carrying out;
- represents without mandate the Agency in the state bodies, judicial instances, etc.

17. In absence of the director general its duties are carrying out by the deputy director general or other person appointed by order.

The deputy director general and the heads of internal divisions are responsible for their decisions and activity of the Agency within the limits of their duties.

18. The property transferred in management to the Agency, is a state property and consists of a fixed capital and from other values which cost is specified in independent balance.

19. The Agency posses the right of use and holder of a state property according to the current legislation.

VII. TRANSPARENCY OF AGENCY ACTIVITY

20. The transparency of the Agency activity and its decisions are assured by its leader, which in these purposes:

- informs in time all the interested parties on the agenda of sessions, provides with it an easy access to discussion of questions, excepting questions which are confidential;
- develops and approves, according to the current legislation, the order of use of the confidential information with a signature stamp "for service using" or "confidential";
- cooperates with other specialized bodies having competence in the field of nuclear and radiological activities at inspections or controls;
- collaborates with representatives of mass-media.

21. Decisions of the Agency, as the approved norms representing public interest, are published in the Official Monitor of the Republic Moldova.

22. Decisions and regulations of the Agency which in opinion of the interested parties contradict legal acts or norms can be attacked according to the current legislation.

VIII. THE PAYMENT

23. The payment of employees of Agency is carried out according to the current legislation.

Attachment to the Government Decision № 328

THE STRUCTURE OF the National Agency for Regulation of Nuclear and Radiological Activities

Department of Authorization, Supervision, Nuclear and Radiation Security
 Section of Inspection
 Planning and Finances Service
 Legal and Personnel Service