

Republic of Moldova

PARLIAMENT

LAW No. 132 of 08.06.2012*

on the safe conduct of nuclear and radiological activities

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For the purpose of regulating nuclear and radiological activities in accordance with the international requirements in this field arising out of the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, which the Republic of Moldova ratified pursuant to Parliament Decision no. 1623-XII of 26 October 1993, the Agreement between the Republic of Moldova and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons and the Protocol thereto, which was ratified by way of Law No. 41-XVI of 2 March 2006, the Convention on Nuclear Safety adopted in Vienna on 17 June 1994 (Official Journal of the European Communities L318/20, 11.12.1999), EU Council Directive 96/29/EURATOM of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (Official Journal of the European Communities L 159/1) and the International Atomic Energy Agency Safety Standards Series GSR Parts 1–3, Parliament adopts this organic law.

Section I

GENERAL PROVISIONS

Article 1. Subject of the law

The subject of this law is the safe conduct of nuclear and radiological activities for exclusively peaceful purposes, in accordance with the obligations arising out of the international treaties to which the Republic of Moldova is a party.

Article 2. Aims of the law

The aims of this law are:

The text published in this edition of the *Nuclear Law Bulletin* is an unofficial translation of the official Romanian version of Republic of Moldova Law No. 132 of 8 June 2012 on the safe conduct of nuclear and radiological activities. The law was published in Romanian and Russian in Moldova's Official Gazette (2 Nov. 2012) No. 229-233, art. no. 739, which is available at: <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=345210&lang=1> and <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=345210&lang=2>. In the event of any discrepancy between this translation and the original Romanian version, the latter will take precedence.

A summary of this text is available in this edition of the *Nuclear Law Bulletin*.

- a) to prevent the proliferation of nuclear weapons, materials and equipment associated with the proliferation of nuclear weapons and other explosive devices containing radioactive material;
- b) to establish mechanisms to ensure the safety of nuclear and radiological activities and maintain them at an adequate level in all sectors where ionising radiation sources are used;
- c) to prevent the unauthorised conduct of nuclear and radiological activities;
- d) to protect personnel, the public, property and the environment against the adverse impact of ionising radiation, in accordance with international standards concerning radiation protection and the safety of nuclear and radiological activities;
- e) to prevent the misappropriation and illegal trafficking of nuclear and radioactive materials and to protect the physical security of nuclear and radiological facilities.

Article 3. Scope of the law

The provisions of this law apply to the following nuclear and radiological activities:

- a) the study, design, siting, construction, assembly, commissioning, operation, modification, repair and decommissioning of nuclear and radiological facilities;
- b) the manufacture, supply, rental, transfer, handling, possession, processing, treatment, use, temporary or permanent storage, transport, transit, import, export, re-export and temporary admission of ionising radiation sources, including nuclear materials, nuclear fuel and radioactive waste;
- c) the supply and use of equipment for the measurement (radiometric etc.) of the parameters of ionising radiation fields, materials and devices providing protection against ionising radiation which are used to monitor or inspect and oversee nuclear and radiological activities, and materials for the packaging and containerisation or transportation of radioactive materials which have been specially adapted for this purpose;
- d) the placing on the market of products and provision of services intended for the safe activity of nuclear and radiological facilities;
- e) the detection and recovery of orphan radioactive sources.

Article 4. Key concepts

For the purposes of this law, the following key concepts mean:

nuclear/radiation accident – an event which affects a nuclear/radiological installation and leads to irradiation or contamination of the public or the environment with radioactive substances above the limits permitted by the applicable standards;

National Agency approval documents – radiation licences, including partial ones, safety certificates and permits to operate on the basis of which nuclear and radiological activity is conducted;

nuclear and/or radiological activity – any human practice which additionally introduces ionising radiation sources or ionising radiation exposure pathways;

National Agency – National Agency for the Regulation of Nuclear and Radiological Activities;

IAEA – International Atomic Energy Agency;

quality assurance – planned and systematic actions necessary to provide full confidence that the installations, procedures and operation of the nuclear or radiological facility will satisfy the requirements laid down in the relevant legislation;

authorisation – procedure for evaluating compliance by an individual or legal entity in terms of radiation protection and nuclear and radiological safety, at their request, for the safe conduct of nuclear and radiological activity, followed by the issue of a radiation licence;

radiation licence – an approval document issued for activities which are not exempt from the authorisation procedure, following assessment of compliance with and adherence to the requirements for the conduct of nuclear and/or radiological activities pursuant to art. 20;

partial radiation licence – a radiation licence issued for the implementation of a phase of nuclear or radiological activity within the established field and timeframe;

nuclear and radiological databank – an automated information system made up of at least two nuclear and radiological databases and systems enabling information to be searched for, stored and processed;

nuclear and radiological database – a body of data structured in a particular manner on a physical medium, in written, graphic, visual or electromagnetic form, which are permanently accessible to users of information who are authorised in the relevant field;

safety certificate – an approval document which certifies that the installation (or equipment) which contains ionising radiation sources, means of transportation of radioactive sources and packaging and transportation container comply with the technical standards, rules, norms and technical requirements governing the safe operation of nuclear or radiological installations;

nuclear fuel – radioactive substances used in nuclear reactors to generate energy;

spent nuclear fuel – nuclear fuel which has been irradiated in the active part of a reactor and has been permanently removed from the reactor;

nuclear and radiation safety culture – all characteristics and attitudes in individuals and legal entities which prioritise radiation protection and nuclear and radiation safety;

radioactive waste – materials, items, installations, all kinds of objects in any form which contain or are contaminated with radionuclides at concentrations greater than exemption levels for which no further use has been or will be envisaged;

nuclear and radiation safety assessment – analysis of compliance with radiation protection and nuclear and radiation safety requirements, analysis of the aspects of the design and operation of a nuclear or radiological installation which are relevant to the protection of persons and the physical protection of the radioactive source or nuclear material, including analysis of radiation protection and physical security provisions made for the design, handling and use of nuclear or radiological facilities, and analysis of the associated risks and dangers under normal working conditions and in incident and accident situations;

certified expert – a person who holds a permit to operate issued by the National Agency confirming that they have the knowledge and training necessary to carry out instrumental or radiochemical tests with a view to the safe conduct of nuclear and radiological activities;

phase – a successive stage of a nuclear or radiological activity process for which a partial radiation licence is issued;

own financial means fund – the value of the insurance or other financial guarantee of the licence applicant or licensee, which is proportionate to the potential cost of remediating a nuclear or radiation incident or accident or of managing radioactive waste arising out of its own activities;

nuclear/radiation incident – an event which affects a nuclear/radiological facility and leads to an increase in the level of exposure of personnel above the permitted level and/or leads to the presence of radioactive substances in areas where they are not intended to be present and which necessitate remedial actions;

nuclear installation – any installation in which nuclear materials are stored, excluding storage for transportation purposes;

radiological installation – a generator of ionising radiation, item of equipment or device which extracts, produces or processes radioactive materials; premises or an area where there are radioactive materials, including radioactive waste;

radioactive waste management – all administrative and operational measures associated with the handling (management), transportation, pre-treatment, treatment, conditioning, interim storage and permanent storage of radioactive waste emanating from nuclear or radiological facilities;

special fissionable material – plutonium, uranium-233, uranium enriched in the isotope 233 or the isotope 235, any material artificially enriched in any of the aforementioned isotopes;

material of nuclear interest – heavy water, graphite, zirconium and other materials which, due to specific nuclear properties, are of particular interest for the nuclear sector;

nuclear material – any nuclear raw material and any special fissionable material;

radioactive material – any material, in any physical state, which is radioactive, including radioactive waste;

nuclear source material – uranium containing the mixture of isotopes occurring in nature; uranium depleted in isotope 235; thorium; any form thereof: metal, alloy, chemical compound or concentration;

enforcement measure – suspension or revocation of a radiation licence, including a partial one, revocation of a safety certificate or a permit to operate, cessation of unauthorised activities;

modification of a radiological installation – activity entailing the replacement of certain subassemblies with others which are not recommended by the manufacturer, and/or changing certain technical parameters, including operations entailing the restoration, reinstatement or improvement of technical parameters;

exemption levels – values established by the National Agency, expressed in terms of overall or specific activity or dose rate (in the case of ionising radiation generators) below which an activity (or practice) is exempt from the authorisation requirements of this law;

notification – a written document with an established format by way of which an individual or legal entity informs the National Agency of an intention to conduct or cease nuclear and/or radiological activities;

nuclear/radiological facility – premises, a site or a zone where nuclear or radiological activities are conducted or where there are installations containing ionising radiation sources or any other nuclear installations other than those within the nuclear cycle;

permit to operate – a document issued on the basis of an examination and assessment of knowledge, in accordance with current legislation, which allows a person handling a particular item of equipment or device containing ionising radiation sources, a radiation protection officer or a certified expert to engage in authorised activities in the field;

category A personnel – employees or persons operating independently who are subject to exposure at their workplace which can generate levels in excess of 5 microsieverts per year due to an activity falling under the scope of this law;

ionising radiation – any corpuscular or electromagnetic radiation that is capable of producing ions (electrostatically-charged particles), directly or indirectly, in its passage through matter or any alpha rays, beta rays, gamma rays or X-rays, neutrons, electrons, protons, other charged or neutral particles (except electromagnetic waves: radio, visible light, infrared, ultraviolet, laser radiation, ultrasound, etc.);

radiation protection – protection of professionally-exposed personnel, the public, property and the environment against the effects of radiation generated by ionising radiation sources, prevention of contamination with radionuclides, including the provision of protection which, during the course of various activities, would keep the risk of irradiation to a minimum;

radiation protection officer – a person who is appropriately trained and qualified in the field of radiation protection and nuclear and radiation security and holds a permit to operate, appointed by order within the organization to monitor adherence to radiation protection and nuclear and radiation safety requirements with a view to the safe use of ionising radiation sources;

cybersecurity – all technical and administrative measures intended to safeguard the security of the cyberspace component of nuclear or radiological data of national importance, which forms an integral part of the physical security system;

physical security – all technical and administrative measures to be taken when using, transporting and storing nuclear and radioactive materials to prevent misappropriation or loss thereof and to counteract acts of sabotage against nuclear and radiological installations and facilities, and to regain control over these materials in the event of their loss or misappropriation;

nuclear and radiation security – all technical and organizational measures intended to ensure that nuclear or radiological installations operate safely, to prevent and limit damage thereto and to protect personnel, the public, property and the environment against irradiation or radioactive contamination;

ionising radiation source – an emitter of ionising radiation, any radioactive material;

orphan radioactive source – a radioactive source which is not subject to regulatory control either because it has never been subject to regulatory control or because it has been abandoned, lost, stolen or placed or transferred without authorisation;

licensee – an individual or legal entity authorised by the National Agency to undertake types of activity within the nuclear or radiological sector;

illegal trafficking – any act which involves unauthorised nuclear or radiological activity entailing the holding, transfer, importation and exportation of nuclear materials, materials of nuclear interest, radioactive materials or equipment and devices associated with the proliferation of nuclear weapons;

treatment and conditioning of radioactive waste – a series of technological processes that transform radioactive waste into a stable and non-dispersible form which prevents it from being reused and which is suitable for lengthy storage or final disposal;

nuclear or radiation emergency – an event occurring at a nuclear or radiological installation which is classified, in accordance with legal provisions, as an incident or accident;

use of ionising radiation sources – a process entailing the use, operation, exploitation or functioning, including storage and routine maintenance, of ionising radiation sources.

Article 5. Primary regulatory principles

The primary regulatory principles for nuclear and radiological activities are as follows:

- a) preventing the maximum permitted level of exposure to ionising radiation from being exceeded;
- b) reducing irradiation levels to a minimum;
- c) justification of any activities (or practices) which entail the use of ionising radiation sources;
- d) maintenance of nuclear and radiation safety;
- e) physical protection of nuclear and radioactive materials;
- f) licensee accountability;
- g) monitoring of nuclear and radiological activities.

Article 6. Regulatory functions

Provision is made for the following regulatory functions in the field of nuclear and radiological activities:

- a) authorisation;
- b) development and approval of the framework of laws and regulations in the field of nuclear and radiation security and physical security;
- c) keeping records of ionising radiation sources and nuclear materials;
- d) state inspections and oversight;
- e) implementing enforcement measures for breaches of current legislation;
- f) monitoring non-proliferation of nuclear weapons and compliance with international treaties.

Article 7. Statutory regulation

The provisions of this law and the international treaties to which the Republic of Moldova is a party shall be implemented by way of:

- a) statutory instruments regulating nuclear and radiation security, physical security of nuclear and radiological facilities and physical protection of nuclear materials and radioactive sources, and regulating radiation protection, personnel

qualification requirements, the management of radioactive waste and spent nuclear fuel and the transportation of nuclear and radioactive materials, drawn up by the National Agency and approved by the Government according to the established procedure;

b) other statutory instruments regulating nuclear and radiation safety and physical security (such as regulations, instructions, guides, technical standards) for the enforcement of laws, drawn up and approved pursuant to decisions of the National Agency according to the procedure established by law;

c) statutory instruments which set values for radiation factors and irradiated products which have an impact on the health of personnel and the public and on the environment, drawn up and issued by other public authorities empowered by law and countersigned by the National Agency.

Article 8. Actors in the nuclear and radiological activities sector

(1) The infrastructure of the nuclear and radiological activities sector is made up of all actors who contribute to the pursuit of nuclear and radiological activity.

(2) The actors in the nuclear and radiological activities sector are:

a) the National Agency;

b) authorities which have powers over the nuclear and radiological activities sector, and other specialised central public authorities or administrative authorities which are not referred to in article 13;

c) individuals and legal entities that are authorised in the nuclear and radiological activities sector;

d) certified experts, other human resources who are appropriately qualified in the field, including within the research, training and professional development system;

e) technical support organisations, irrespective of their legal form of organisation.

Article 9. Special provisions

(1) The following are prohibited in the Republic of Moldova:

a) importation, exportation, re-exportation, transiting and temporary admission of ionising radiation sources (including as part of medical, measuring or calibration equipment) without authorisation from the National Agency;

b) importation of radioactive waste.

(2) Within the nuclear and radiological activity regulation sector, it is not permitted to perform regulatory functions concurrently with functions relating to the promotion, management and use of ionising radiation sources.

Section II THE NATIONAL AGENCY

Article 10. Status

(1) The National Agency is an administrative authority established by the Government attached to the Ministry of the Environment, with the status of a legal entity subject to public law, which has a stamp bearing the image of the State Coat of Arms, a name in the state language and treasury accounts.

Pursuant to current legislation, the National Agency has the necessary level of independence in the exercise of its functions as specified in this law.

(2) The structure and regulations of the National Agency shall be approved by the Government.

(3) The National Agency shall be financed from the State Budget and from other sources in accordance with current legislation.

(4) As category A personnel, employees of the National Agency who are involved in assessment, authorisation, state inspections and oversight and responding to nuclear or radiation incidents or accidents are classified as persons exposed to ionising radiation who work in conditions hazardous to health and life. The list of category A personnel shall be submitted by the National Agency and approved by the Ministry of Health and the Ministry of Work, Social Protection and the Family.

Article 11. Task and basic functions

The task and basic functions of the National Agency are as follows:

- a) to develop and implement state policy in the nuclear and radiation sector, consulting public authorities in accordance with their areas of competence, to draw up draft national policies and national strategies and the legal framework, proposing them according to the procedure established by law and adopting measures for the effective regulation of nuclear and radiological activities;
- b) to monitor the implementation and enforcement of the provisions of the international treaties governing this sector to which the Republic of Moldova is a party and of national legislation governing this sector;
- c) to draw up and propose, according to the procedure established by law and by article 7 of this law, legislative instruments and other statutory instruments governing this sector;
- d) to keep a record of nuclear and radiological activities on the basis of notifications, authorising these activities on the basis of assessment of applications for radiation licences and compliance with requirements in terms of radiation protection, nuclear and radiation security, physical security of nuclear and radiological facilities and nuclear guarantees;
- e) to conduct state inspections and oversight in order to check nuclear and radiation security conditions and physical security conditions at nuclear and radiological facilities;
- f) to draw up certificates of inspection and issue the necessary stipulations, to draw up and examine reports concerning infringements within the nuclear and radiological activities sector, and to take mandatory enforcement measures against individuals and legal entities;
- g) to ensure that the decision-making process in the regulation of nuclear and radiological activities is transparent;
- h) to issue and/or recognise security certificates for installations with ionising radiation sources (equipment, packaging, containers or means of transportation for radioactive sources, including radioactive waste) in accordance with this law;
- i) to certify or recognise nuclear and radiation experts by issuing level III permits to operate;
- j) to assess knowledge and to issue or recognise level I and II permits to operate issued by entities recognised by the National Agency to personnel operating in the nuclear or radiation sector and to radiation protection officers;

- k) to propose amendments and/or additions to statutory instruments when it is necessary to bring them into line with international treaties and standards in this sector;
- l) to manage the National Register of Ionising Radiation Sources and Authorised Individuals and Legal Entities;
- m) to provide assistance free of charge for the detection of orphan radioactive sources;
- n) to recognise technical support organisations, national and international experts and staff certification and training institutes by adding them to the relevant register and publishing it on the webpage of the National Agency;
- o) to coordinate and monitor the implementation of international technical support projects for the nuclear and radiation safety and physical security sectors;
- p) to sign, as stipulated by law, bilateral or multilateral agreements with similar authorities in this field in third countries;
- q) to prepare and submit national reports to the competent international bodies in accordance with the international treaties to which the Republic of Moldova is a party;
- r) to participate as an integral part of the national response system in the event of a nuclear or radiation emergency;
- s) representation as the national regulatory body – the national point of contact with the IAEA pursuant to international nuclear and radiation treaties, with nuclear regulatory bodies in third countries.

Article 12. Rights and obligations

(1) The National Agency has the right:

- a) to have access, in accordance with its powers as established by law, to any location where nuclear and radiological activities subject to authorisation and control are conducted;
- b) to demand that individuals and legal entities subject to control fulfil the provisions of this law, regulatory instruments governing the nuclear and radiation activities sector and authorisation requirements;
- c) to take measurements and install the necessary surveillance and control equipment and to receive technical support from international and national competent bodies;
- d) to demand that samples of materials directly or indirectly subject to control are taken and sent off;
- e) to have access to records regarding ionising radiation sources and nuclear materials, other information, and technical and contractual data concerning authorised persons which are necessary to fulfil control objectives;
- f) to require individuals and legal entities holding radiation licences:
 - to submit reports, information and notifications to the National Agency in accordance with legislation;
 - to keep records of nuclear and radioactive materials, ionising radiation sources and activities subject to control and to check these records;
 - to demonstrate that the necessary protective equipment is present;

g) to suspend or revoke radiation licences, including partial radiation licences, and to revoke security certificates and permits to operate in the event that the holder contravenes legal provisions and the requirements for the issue of the relevant approval document, in accordance with articles 21 and 24.

(2) The National Agency is obliged to:

- a) maintain the confidentiality of commercial information obtained in the process of performing its duties;
- b) promptly inform the competent central government authorities of instances of non-compliance which may lead to undue irradiation of personnel and the public and radioactive contamination of the environment;
- c) immediately halt any nuclear or radiological activity where any undue irradiation of personnel, patients or the public or radioactive contamination of the environment is detected, and initiate the applicable enforcement measures;
- d) update and propose, whenever necessary, levels of exemption from the authorisation procedure and statutory instruments;
- e) cooperate effectively with the public authorities that govern the sector of the regulated activities.

Section III

FUNCTIONS OF AUTHORITIES WHICH HAVE POWERS WITHIN THE NUCLEAR AND RADIOLOGICAL ACTIVITIES SECTOR

Article 13. Authorities which have powers within the nuclear and radiological activities sector

(1) In accordance with their individual remits, authorities which have powers within the nuclear and radiological activities sector shall pursue nuclear, radiological or related activities and notify the National Agency of all instances where changes are identified in the nuclear or radiological situation and developments therein which fall under the jurisdiction of the relevant authority.

(2) The authorities with responsibility for the nuclear and radiological activities sector are as follows:

- a) the central public authority responsible for health protection;
- b) the administrative authority responsible for civil protection and emergency situations;
- c) the central public authority responsible for the environment;
- d) the central public authority responsible for the agro-industrial sector;
- e) the administrative authority responsible for customs control;
- f) organisations which research or promote nuclear or radiological technologies.

Article 14. Functions of the central public authority responsible for health protection

The central public authority responsible for health protection shall:

- a) monitor and conduct hygiene assessments of the content of radionuclides in food products along the entire food chain, in drinking water, including in drinking water sources, in construction materials and in other consumer goods

intended for the public, and shall issue hygiene certificates for products from the Republic of Moldova or imported products;

- b) monitor the placing into economic and social circulation for human consumption of products which have been irradiated or contain radioactive materials, and use, for medical diagnosis or treatment purposes, radioactive sources, ionising radiation generators and pharmacological products which contain radionuclides and come into contact with the human body and which are used for the first time in the country, on the basis of state registration documents issued in accordance with the law;
- c) monitor the impact of nuclear and radiological activities on public health, and issue opinions in this regard;
- d) set hygiene standards for radiation factors;
- e) conduct state public health monitoring of nuclear and radiological facilities, and issue sanitary permits in accordance with the law;
- f) estimate doses received by patients during medical investigations and treatment, and monitor exposure of the public to ionising radiation in cases of nuclear or radiation accidents;
- g) conduct medical monitoring of category A personnel;
- h) conduct scientific research on the medical and biological effects of ionising radiation.

Article 15. Functions of the administrative authority responsible for civil protection and emergency situations

The administrative authority responsible for civil protection and emergency situations shall:

- a) draw up and implement, jointly with the National Agency and central and specialist public authorities, the National Nuclear and Radiation Accident Intervention Plan;
- b) coordinate the implementation of the provisions of international agreements concerning the physical protection of nuclear material, swift notification of nuclear accidents and assistance in the event of nuclear or radiation accidents;
- c) implement, in its capacity as the IAEA point of contact, the provisions of international agreements on swift notification and assistance in the event of a nuclear or radiation accident;
- d) plan and implement, jointly with the Customs Service, the National Agency and other institutions responsible for combating illegal trafficking of nuclear and radioactive materials, actions to protect the public and the environment;
- e) organise and conduct the activity of the national observation and laboratory control network for the monitoring, observation and laboratory control of contamination of the environment with radionuclides in the event of a nuclear or radiation accident.

Article 16. Functions of the central public authority responsible for the environment

The central public authority responsible for the environment, via the State Hydrometeorological Department, shall:

- a) monitor and collect and analyse information concerning background radioactive pollution of the environment;
- b) research the trend in radioactive pollution of environmental components;

- c) forecast the dispersion and movement of radioactive contaminants;
- d) research the impact of radioactive contaminants and possible effects on environmental components.

Article 17. Functions of the central public authority responsible for the agro-industry sector

The central public authority responsible for the agro-industry sector, via the institutions subordinate to it, shall:

- a) conduct radiation monitoring and assess the radiation safety of tilled soil, products of animal and plant origin and animal feed;
- b) conduct departmental oversight of nuclear and radiological activities in the agro-industry sector.

Article 18. Functions of the administrative authority responsible for customs control

The Customs Department monitors and permits, solely on the basis of licences from the National Agency, the exportation, importation and temporary admission or transiting of ionising radiation sources, equipment containing ionising radiation sources, nuclear or radioactive materials and information associated with the proliferation of nuclear arms or other explosive nuclear devices.

Section IV

AUTHORISATION PROCEDURE. NATIONAL AGENCY APPROVAL DOCUMENTS

Article 19. Authorisation of nuclear and radiological activities

- (1) Individuals and legal entities who pursue or intend to pursue nuclear or radiological activities must obtain authorisation, provided that they satisfy the requirements of this law and statutory instruments regulating nuclear and radiological activities.
- (2) Authorisation is given by the National Agency when it is notified of an intention to conduct activity in this field from individuals and legal entities, on the basis of assessment of the conditions in which the nuclear and radiological activities will be conducted, by drawing up an assessment report, and is compulsory for any nuclear and radiological activity referred to in article 3 which is not exempt from the authorisation procedure pursuant to this law.
- (3) Authorisation is given by issuing a radiation licence, which is valid for 5 years.
- (4) The holder of a radiation licence may conduct nuclear and radiological activities solely within the field for which it has been issued, provided that the limits and requirements stipulated on it are complied with, and only with the use of nuclear or radiological facilities which have valid safety certificates.
- (5) Radiation licences shall be requested and issued simultaneously or successively, separately for each field of activity.
- (6) The holder of a partial radiation licence may conduct nuclear and radiological activities solely for the phases for which it was issued, provided that the limits and requirements stipulated on it are complied with, and only with the use of nuclear or radiological facilities which have valid safety certificates.
- (7) Partial radiation licences are issued for the following phases:
 - a) design;
 - b) siting;
 - c) relocation and transfer;

- d) construction and/or assembly;
- e) commissioning;
- f) operational testing;
- g) repair and/or maintenance;
- h) modification;
- i) conservation;
- j) decommissioning;
- k) importation or exportation;
- l) temporary admission;
- m) transportation.

(8) The National Agency shall issue approval documents free of charge.

Article 20. Authorisation requirements

Authorisation shall only be given where the applicant satisfies the following requirements:

- a) they demonstrate that their personnel are professionally qualified for the relevant posts by holding the relevant qualification certificates recognised by the National Agency and designate, by way of an administrative decision, a person responsible for radiation protection;
- b) they take measures to prevent and limit the consequences of nuclear or radiation incidents and accidents with possible adverse effects on the life and health of personnel, the public, the environment, the property of third parties or state assets, in accordance with the provisions of current legislation;
- c) they ensure that personnel responsible for the safe operation of the installation hold a permit to operate for the relevant activity, in accordance with the provisions of this law;
- d) they take all steps to prevent damage due to the construction or operation of an installation or item of nuclear or radiological equipment or transportation of nuclear or radioactive materials;
- e) they hold insurance or any other financial guarantee to compensate them for possible damage; the amount, nature and stipulations of the insurance or other guarantee shall be in accordance with the international treaties to which the Republic of Moldova is a party;
- f) they ensure that the necessary measures are taken to prevent interference of any kind or to eliminate disruption due to any third parties in the decision-making process during the construction and operation of an installation or item of nuclear or radiological equipment;
- g) they propose and/or have a location for the nuclear or radiological installation or item of equipment which satisfies technical requirements and current statutory instruments in the field of radiation protection and nuclear and radiation safety, and public interests with regard to the non-contamination of water, air and soil, and which does not affect the operation of other installations (or facilities) located nearby. This location must be agreed on with the National Agency;
- h) they have an own financial means fund adequate to decommission and manage radioactive waste generated by their own activity;

- i) they use nuclear or radiological installations or equipment or individual radioactive sources which have a security certificate issued by the National Agency, and appropriate measuring equipment (including for ionising radiation quantities) which has been legally validated and has undergone metrological checks as stipulated by law;
- j) they establish and maintain an adequate ionising radiation protection system;
- k) they establish and maintain an adequate system for the protection of nuclear and radiological materials, radioactive products and waste and the physical security of the nuclear or radiation installation or equipment, including nuclear and radioactive material storage units, in accordance with current statutory instruments in the field of radiation protection and nuclear and radiation safety;
- l) they establish a physical protection system which safeguards the inviolability of the nuclear or radioactive material managed;
- m) they establish and maintain, in their own activity, a nuclear and radiological activity quality assurance and control system approved by the National Agency;
- n) they establish and maintain their own control system in accordance with requirements concerning radiation protection, nuclear and radiation safety, physical security of the facility and readiness for emergency intervention in the event of nuclear or radiation incidents or accidents which may occur in respect of the installations or equipment and ionising radiation sources;
- o) they establish and maintain, where necessary, an adequate system for the implementation of nuclear guarantees, in accordance with the international treaties to which the Republic of Moldova is a party;
- p) they hold the documents required by law which are necessary for the authorised pursuit of nuclear and radiation activity;
- q) they establish and maintain an adequate system to inform the public of the nuclear and radiation situation, in accordance with current statutory instruments governing the radiation protection and nuclear and radiation safety sector.

Article 21. Stipulations concerning the suspension, revocation and surrender of radiation licences

- (1) Where an authorised individual or legal entity is found to have breached the provisions of legislation and requirements concerning authorisation, the National Agency shall take a decision to suspend or revoke the radiation licence. The decision shall be communicated to the licensee within two working days.
- (2) Within three working days following the date on which the licensee becomes aware of the decision to suspend or revoke the radiation licence, the National Agency shall refer the matter to a court in accordance with the procedures laid down in current legislation. The decision by the National Agency to suspend or revoke the radiation licence shall apply until the court's decision becomes final.
- (3) The radiation licence shall be suspended or revoked by the issuer within two days after the court's decision becomes final.
- (4) Radiation licences shall be revoked in all cases where it is found that the licensee:
 - a) is not complying with the provisions of current legislation concerning the safe pursuit of nuclear and radiological activities, in accordance with the stipulated limits and requirements;

- b) is not fully complying in due time with the stipulations of the National Agency regarding the rectification of infringements and irregularities identified on the basis of a report during the course of state inspections and oversight;
 - c) fails to declare a new technical or other situation which was not known about on the date when the radiation licence was issued and which may affect the safe pursuit of nuclear and radiological activities;
 - d) fails to perform its obligations with regard to the creation of an own financial means fund for the management and decommissioning of radioactive waste or with regard to insurance for civil liability towards third parties for possible damage in the event of a nuclear or radiation incident or accident which may arise in connection with the relevant installations (or equipment) and ionising radiation sources;
 - e) ceases to exist legally;
 - f) has lost their capacity to practise, in the case of individuals.
- (5) Revocation of a radiation licence shall oblige the licensee:
- a) to cease nuclear or radiological activities immediately;
 - b) to take measures to protect the physical security of the nuclear and radiological installations and nuclear and radiation safety.
- (6) Suspension of a radiation licence shall apply to infringements which can be rectified within a period of six months. If this requirement is not met within the stipulated time-limit, a decision to revoke the radiation licence shall be taken. Where the seriousness of the infringements makes it impossible to rectify them within six months, a decision to revoke shall be enforced immediately by the state inspector on the basis of the National Agency certificate of inspection. Suspension of a radiation licence shall oblige the licensee:
- a) to cease the nuclear or radiological activity immediately;
 - b) to take measures to protect the radiation safety of the ionising radiation sources and physical safety of the nuclear and radiological installations, and the physical protection of nuclear and radioactive material;
 - c) to submit, within five working days, a plan of measures, identifying the time-limits for implementation and the persons responsible, to resolve the problems that triggered the suspension.
- (7) Suspension shall be lifted by notifying the licensee on the basis of a further certificate of inspection stating that all of the irregularities which led to the decision to suspend have been rectified or on the basis of a final judicial decision.
- (8) Authorised persons may surrender their radiation licences by contacting the National Agency in writing.
- (9) The amendment, suspension, revocation and surrender of licences shall take legal effect once the holder has been notified in writing of the National Agency's decision, within two days.
- (10) Radiation licencees may challenge decisions of the National Agency in accordance with current legislation.

Article 22. Loss of validity of radiation licences

A radiation licence shall cease to be valid in the event of:

- a) expiry of the period for which it was issued;
- b) loss of status as a legal entity or entrepreneur;
- c) surrender, if the requirements regarding cessation of activity have been met;
- d) documented abandonment or disposal of the authorised activity (or practice);
- e) revocation.

Article 23. Requirements for the issue of safety certificates and permits to operate

(1) Safety certificates shall be requested for each separate type of radioactive material, nuclear or radiological installation, including devices which generate ionising radiation, material or equipment used to protect against ionising radiation, packaging, means of containerisation or specially-adapted means of transport.

(2) Safety certificates shall be issued free of charge on the basis of assessment by the National Agency of technical documentation and the conditions of use of nuclear and radiological installations and devices containing ionising radiation sources. The technical documentation forming part of the application which is necessary to obtain a safety certificate must contain, where applicable, sufficient information concerning:

- a) a certificate of conformity for the product or another document certifying the conformity of the product, issued by a notified body and published in the Official Journal of the European Communities;
- b) design and manufacture (operating manual);
- c) the testing programme and its results;
- d) the quality assurance system (quality manual);
- e) the purpose for which it was designed;
- f) installation, assembly, maintenance;
- g) operation/use;
- h) labelling, marking;
- i) guarantee period, lifespan of the installation, period for which the manufacturer shall provide spare parts;
- j) service, repair;
- k) accompanying documentation;
- l) arrangements for decommissioning or disposal as waste;
- m) irradiation risk;
- n) other risks which it may give rise to.

(3) Safety certificates shall be valid for 5 years. In the event of repair or modification of an installation, item of equipment, device, container for a radioactive source or means of transporting radioactive materials which has caused a change to the technical data specified by the manufacturer, a reasoned request shall be made for reissue of the safety certificate.

(4) In their activities, radiation licencees shall exclusively use personnel holding permits to operate which are valid for these activities.

(5) Permits to operate shall be issued by the National Agency to specially-trained persons, radiation protection officers and experts on the basis of assessment by the National Agency, or another competent institution recognised by the National Agency, of the applicant's knowledge of the field.

(6) Obtaining a medical certificate on the basis of the regulations issued by the Ministry of Health is a precondition for the issue of a permit to operate.

(7) Permits to operate shall be issued for a period of 5 years.

Article 24. Revocation or surrender of safety certificates and permits to operate

(1) The National Agency shall revoke safety certificates and permits to operate where the holder:

- a) has not complied with the provisions of this law and other statutory instruments in the field of nuclear and radiological activities or the stipulations of the radiation licence;
- b) has not implemented the quality control and assurance system in the nuclear or radiological activities in accordance with the requirements stipulated on the radiation licence, if it is a legal entity;
- c) has lost its capacity to operate.

(2) Holders shall surrender safety certificates by writing to the National Agency.

Article 25. Extension and reissue of radiation licences and safety certificates, issue of duplicate radiation licences, safety certificates and permits to operate

(1) Extensions of radiation licences and safety certificates shall be requested 90 days prior to their expiry.

(2) Licensees shall request that their radiation licences are reissued in the event of:

- a) a change in the name or address of the individual or legal entity or other changes in the deeds of incorporation in relation to the information on the basis of which the radiation licence was issued;
- b) a change in the limits and stipulations specified on the radiation licence;
- c) other changes which may affect the radiation safety of ionising radiation sources or the radiation protection of exposed personnel, the public or the environment.

(3) Requests for the reissue of a safety certificate shall be made in the cases specified in article 23(3).

(4) Requests for reissue shall be made by submitting to the National Agency an application for an amendment with numbered pages which comprises:

- a) a request to amend the radiation licence or safety certificate;
- b) the documentation necessary to substantiate the requested amendments arising as per paragraph (2).

(5) Reissue of a radiation licence or safety certificate shall not change its previous period of validity.

(6) In the event that a radiation licence, safety certificate or permit to operate is lost, misappropriated or damaged, the holder shall make a written request for a

duplicate, which shall be issued by the National Agency within three days following the date of receipt of the request. The duplicate shall have the same expiry date as the original document.

Article 26. Nuclear and radiological activities exempt from the authorisation procedure

Nuclear and radiological activities involving the use of materials with a low total or specific concentration (by mass) of radionuclides (activities and special activities), generators of ionising radiation of the type approved by the National Agency and all cathode ray tubes which comply with the limits and criteria for exemption set forth in Appendix No. 1, so that the risks inherent in these activities are the minimum permitted, shall be exempted by the National Agency from the authorisation procedure stipulated in this law. This shall not exempt the individual or legal entity from the obligation to notify the National Agency.

Article 27. Authorisation of the importation, exportation, re-exportation and temporary admission of ionising radiation sources

(1) The importation, exportation, re-exportation and temporary admission of ionising radiation sources shall be authorised where the applicant:

a) holds a safety certificate appropriate to the nuclear or radiological installation or equipment, packaging with radioactive material, transportation container or means of transport;

b) demonstrates the competence and probity of persons with decision-making powers over the operations for which the licence is requested, in accordance with this law and other current statutory instruments;

c) undertakes, in the case of importation, to ensure compliance with the provisions of current legislation concerning radiation protection, nuclear and radiation safety and the physical protection of radioactive materials, and compliance with the international atomic energy treaties to which the Republic of Moldova is a party, to supply products and information solely to recipients who are authorised to this end and to inform the National Agency of the entry of the relevant products into the country and the address and other contact details of the recipient;

d) adopts the measures necessary for the radiation protection, nuclear and radiation safety and physical protection during transportation of nuclear or radioactive materials in order to keep the radiation exposure of personnel, the public, property and the environment below the permitted limits during and after the auxiliary operations entailed by the transportation of these materials;

e) obtains, in the case of exportation, guarantees from its external partner to the effect that the latter shall not use products and information for purposes prejudicial to the international obligations assumed by the Republic of Moldova or national security and demonstrates that the exportation complies with the provisions of this law and other current statutory instruments in the field of nuclear and radiological activities. The exporter shall inform the National Agency within five working days of the departure from the country of the relevant products and information associated with the proliferation of nuclear weapons.

(2) The importation, exportation and temporary admission of materials of nuclear interest classified as strategic goods shall be authorised by the Interdepartmental Committee for the Control of the Exportation, Re-exportation,

Importation and Transit of Strategic Goods in accordance with current statutory instruments.

Article 28. Informing service beneficiaries

(1) The holders of radiation licences, safety certificates and permits to operate must display copies of these documents in a visible location so that service beneficiaries are accurately informed. In addition, copies of decisions by the National Agency to suspend or revoke radiation licences or revoke safety certificates or permits to operate shall be displayed in a location visible to beneficiaries.

(2) Failure to comply with the provisions of paragraph (1) shall lead to the enforcement by the National Agency of infringement penalties against the manager of the organisation.

Section V

STATE INSPECTIONS AND OVERSIGHT OF NUCLEAR AND RADIOLOGICAL ACTIVITIES

Article 29. Stipulations regarding state inspections and oversight of nuclear and radiological activities.

Rights and responsibilities of state inspectors:

(1) State inspections and oversight of nuclear and radiological activities shall be conducted in order to protect personnel, the public, property and the environment against the adverse impact of ionising radiation and to keep state-level records in nuclear and radiation databases of ionising radiation sources, nuclear material, radioactive waste, authorised individuals and legal entities, individual doses, etc.

(2) State inspections and oversight of compliance with the provisions of statutory instruments shall be conducted on a planned, unannounced and repeat basis by state inspectors from the National Agency separately or jointly with representatives of other monitoring authorities, within the limits and in accordance with the powers stipulated in this law and legislation regarding state inspections.

(3) The Director of the National Agency is *ex officio* chief state inspector for nuclear and radiological activities, and the deputy director is *ex officio* deputy chief state inspector.

(4) To ensure that they have access to the premises of individuals and legal entities who conduct or intend to conduct nuclear and radiological activities, state inspectors shall hold accreditation of a single format approved by the chief state inspector.

(5) Any interference in the activity of state inspectors which may affect the safety of nuclear and radiological activities is prohibited.

(6) Inspections shall be conducted on the premises where the individual or legal entity conducts the activities subject to authorisation or in any other location which may be connected with these activities, in accordance with the law, in any of the following situations:

- a) during the period of validity of the radiation licence (planned or repeat inspection);
- b) on the basis of notification and/or a demand made to the individual or legal entity (planned or repeat inspection);

- c) where there is information to suggest that activities referred to in article 3 are being conducted without authorisation (unannounced inspection).
- (7) Where, as a result of an inspection, requirements relating to nuclear or radiation safety or the physical security of nuclear or radiological materials are found to have been breached, the National Agency shall order that the activity is suspended and that access to the nuclear or radiation installations, nuclear and radioactive materials, materials of nuclear interest, other materials, devices, equipment and information associated with the proliferation of nuclear weapons or other explosive nuclear devices which pose a risk when operated or held is sealed off.
- (8) State inspectors shall perform their duties on the basis of an inspection warrant and accreditation.
- (9) The chief state inspector, or in his absence, his deputy, has the following powers:
- a) to halt unauthorised nuclear or radiological activities;
 - b) to take decisions to suspend or revoke radiation licences or to revoke safety certificates or permits to operate where the holder breaches the provisions of current legislation and authorisation requirements;
 - c) to forward reports regarding infringements drawn up by state inspectors to the competent bodies for examination and the enforcement of the appropriate penalties;
 - d) to notify the criminal prosecution authorities in the event that breaches which may constitute offences contrary to the Penal Code are identified.
- (10) State inspectors are responsible for:
- a) abiding by laws and other current statutory instruments and respecting the rights and legitimate interests of individuals and legal entities subject to state inspections and oversight;
 - b) fulfilling their obligations in a competent, impartial and responsible manner;
 - c) informing the management of the National Agency and other competent bodies promptly of identified breaches which may lead to undue irradiation of personnel, the public and the environment;
 - d) protecting state and trade secrets and maintaining the confidentiality of other information obtained during the course of their activity;
 - e) the accuracy of information given on certificates of inspection and the lawfulness of conclusions and penalties proposed for enforcement;
 - f) taking appropriate and swift action in emergencies while conducting state inspections and oversight.

Article 30. Conducting state inspections and oversight

- (1) State inspections and oversight shall be conducted in accordance with the provisions of current legislation and annual and quarterly plans approved by the chief state inspector. The priorities and frequency of state inspections and oversight shall be determined by the nuclear and radiation risk that may be posed by the relevant activities and installations, in accordance with the provisions of current legislation and international recommendations.
- (2) Where breaches which do not pose a serious risk to the life and health of persons or the environment (which generate irradiation amounting to less than

1.0 microsieverts per hour at a distance of 0.1 metres away from the source or surface of the radiological installation) and can be rectified during the inspection are identified, the state inspector shall give instructions for their rectification, shall check that they have been rectified and, if they have been, shall not reflect them in certificates of inspection.

(3) Where breaches of requirements concerning nuclear and radiation safety or the physical protection of nuclear or radioactive materials (except those covered by paragraph (2)) are identified, the state inspector shall forward to the chief state inspector proposals to suspend or revoke the radiation licence or to revoke the safety certificate or permit to operate and seal off the equipment or premises whose use may harm human health or the environment.

(4) If breaches which constitute contraventions are identified during state inspections and oversight, the state inspector shall draw up a record of the offence, in accordance with the procedure set forth in the Code of Offences, and attach it to the certificate of inspection.

(5) If breaches which may constitute offences contrary to the Criminal Code are identified during state inspections and oversight, the National Agency shall notify the criminal prosecution authorities which are competent to investigate such cases.

Article 31. Presentation of inspection findings

The findings arising out of state inspections and oversight (except those covered by article 30(2)) shall be recorded on the certificate of inspection in accordance with the legislation concerning state inspections.

Section VI

NUCLEAR GUARANTEES

Article 32. Peaceful use undertakings

(1) Nuclear and radioactive materials shall be used in the Republic of Moldova solely for peaceful purposes and in accordance with the obligations arising out of the international treaties to which the Republic of Moldova is a party. The list of materials, devices, equipment and information associated with the proliferation of nuclear weapons and other explosive nuclear devices is set forth in Appendix no. 2.

(2) The following are prohibited in the Republic of Moldova:

- a) researching, testing, developing, manufacturing, importing, temporarily admitting, exporting, transiting, holding, distributing, selling, repairing, commissioning, handling, hiring, placing or detonating nuclear weapons or any explosive nuclear device or explosive device containing radioactive material;
- b) importing, exporting, re-exporting, transiting or temporarily admitting nuclear fuel, including spent nuclear fuel;
- c) importing, exporting, re-exporting, transiting or temporarily admitting nuclear material without authorisation from the National Agency and the competent public authorities.

Article 33. Nuclear guarantee system

(1) Pursuant to the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and the Agreement between the Republic of Moldova and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-

Proliferation of Nuclear Weapons and the Protocol thereto (hereinafter referred to as the Agreement), the National Agency:

- a) coordinates, at national level, the implementation of nuclear guarantees, other activities, in particular those relating to authorisation, inspections and oversight, and the approval of actions related to the implementation of guarantees;
 - b) provides assistance to facilitate access for IAEA inspectors within the Republic of Moldova so that the necessary checks may be carried out;
 - c) oversees the implementation by authorised individuals and legal entities of the system for keeping records of and inspecting nuclear and radioactive materials, materials of nuclear interest and measures for their physical protection;
 - d) gathers information necessary to implement guarantees;
 - e) draws up and updates the detailed list of materials, devices, equipment and information associated with the proliferation of nuclear weapons and other explosive nuclear devices and submits it to the Government for approval.
- (2) The public authorities, individuals and legal entities are obliged to cooperate with IAEA representatives in the implementation of measures relating to guarantees, including by means of:
- a) submitting information relevant to the implementation of the provisions of the Agreement;
 - b) providing access to locations falling under the scope of the Agreement;
 - c) providing support required by inspectors from the National Agency and the IAEA in order to conduct inspections;
 - d) enabling inspectors from the National Agency and the IAEA to take necessary measures, in accordance with the Agreement.
- (3) The National Agency is responsible for approving or giving reasoned rejections of inspectors proposed by the IAEA.
- (4) Research and development activities relevant to the nuclear fuel cycle which fall under the scope of the Agreement may only be commenced where the National Agency has been notified and authorisation has been obtained from it beforehand.

Article 34. State inspections of nuclear materials

The National Agency implements guarantee measures in relation to nuclear materials by:

- a) establishing a system for inspecting and keeping records of nuclear material within the country;
- b) implementing inventory-taking and reporting procedures for quantities of nuclear material;
- c) implementing authorisation and monitoring procedures for the movements of nuclear material;
- d) implementing procedures for reporting quantities of nuclear material to the IAEA;
- e) maintaining and annually updating the national register of nuclear materials (in electronic format or on paper).

Section VII

PHYSICAL SECURITY OF NUCLEAR AND RADIOLOGICAL FACILITIES.

ILLEGAL TRAFFICKING OF NUCLEAR AND RADIOACTIVE MATERIALS

Article 35. Regulation of the physical security of nuclear and radiological facilities and the physical protection of nuclear and radioactive materials

The National Agency shall develop and propose for adoption to the Government requirements for the physical security of nuclear and radiological facilities and the physical protection of nuclear and radioactive materials by:

- a) categorising nuclear facilities and nuclear and radioactive materials on the basis of assessment of vulnerability, potential damage, consequences of subversion, acts of sabotage or misappropriation;
- b) identifying measures to protect physical security according to the category of the nuclear material or facility;
- c) introducing state record-keeping and inspections of nuclear and radioactive materials;
- d) issuing stipulations, as part of authorisation requirements, with regard to physical security, including cybersecurity as an integral component;
- e) implementing measures for state inspections and oversight and checking the results of inventories which have been taken;
- f) implementing enforcement measures in accordance with legal provisions in the event of a breach of legislation and authorisation requirements.

Article 36. Combating illegal trafficking of nuclear and radioactive materials

- (1) For the purpose of prevention, detection and responding in the event of attempted or actual illegal trafficking of nuclear and radioactive materials, the Customs Service shall establish and implement appropriate border controls.
- (2) Individuals or legal entities who have identified attempted illegal trafficking of nuclear or radioactive material shall inform the National Agency of this within 24 hours after the time at which they identified it.

Article 37. Responsibility of authorised persons for the physical protection of nuclear or radioactive material

Radiation licensees shall be solely responsible for the physical protection of the managed nuclear or radioactive material and for notifying the National Agency and other competent authorities of actual or attempted misappropriation of this material within the time-limit laid down in article 36.

Section VIII

RESPONDING TO A NUCLEAR OR RADIATION INCIDENT OR ACCIDENT.

TRANSPORTATION OF RADIOACTIVE MATERIALS

Article 38. Notification and regulation in the event of a nuclear or radiation incident or accident

- (1) In the event of loss of control over nuclear or radioactive material which may affect third countries, the National Agency shall, in accordance with the procedures agreed between the parties, notify the IAEA and third countries of the relevant event, including in cases where illegal trafficking of nuclear or radioactive materials has been identified.

(2) The National Agency, together with the central and specialist public authorities, shall establish the statutory framework and initiate and perform work to detect and identify nuclear or radioactive material in respect of which control has been lost.

(3) The National Agency shall request, where necessary, international technical assistance in order to resolve the situation, in accordance with the international treaties to which the Republic of Moldova is a party.

(4) The competent authorities shall be notified of the incident or accident by the first person who identified the situation, in accordance with the diagram and procedures set out in the regulations approved by the Government.

Article 39. Response

Authorised persons must have:

- a) effective response plans to deal with design basis threats through interaction between the relevant departments in the event of nuclear or radiation emergencies;
- b) personnel who are prepared and trained for response activities;
- c) their own intervention plans for nuclear or radiation incidents or accidents;
- d) their own quality assurance and control system for the maintenance of nuclear or radiation safety and physical security in the activities conducted;
- e) a system for notifying the National Agency within the time-limits established by current statutory instruments of nuclear or radiation incidents or accidents which take place and cause harm to individuals or legal entities, economic losses and radioactive contamination of the environment, and of the possibility that a nuclear or radiation incident or accident may occur.

Article 40. Transportation of nuclear and radioactive materials

(1) Nuclear and radioactive materials shall be transported solely by holders of the appropriate radiation licence.

(2) All transportation across territory of radioactive sources of nuclear materials which are not exempt from the authorisation procedure shall require a partial radiation licence for transportation to be obtained in the prescribed manner.

Section IX

NATIONAL POLICY AND PRINCIPLES FOR THE MANAGEMENT OF RADIOACTIVE WASTE

Article 41. National policy for the management of radioactive waste

(1) In accordance with the obligations assumed at international level by the Republic of Moldova as a member state of the IAEA, the Government shall promote the radioactive waste management policy in accordance with the following principles:

- a) protection of human health: radioactive waste is managed in such a way as to ensure an acceptable level of protection of human health;
- b) environmental protection: radioactive waste is managed in such a way as to offer an acceptable level of protection of the environment, including natural resources;

- c) protection beyond the borders of the Republic of Moldova: radioactive waste is managed in a way which takes possible effects on human health and the environment beyond national borders into account;
 - d) protection of future generations: radioactive waste is managed in such a way as to ensure that the impact on the health of future generations will not be greater than the relevant impact levels which are acceptable today;
 - e) burden for future generations: radioactive waste is managed in such a way as not to place an undue burden on future generations;
 - f) national legal framework: radioactive waste is managed within an adequate national legal framework, with responsibilities and powers in relation to the independent regulation of these activities being clearly defined;
 - g) control over the generation of radioactive waste: the generation of radioactive waste shall be kept to a minimum;
 - h) nuclear and radiation safety, physical security of facilities where radioactive waste is present: nuclear and radiation safety and the physical security of installations for the management of radioactive waste shall be adequately protected at every stage of the life cycle of the installation.
- (2) Radioactive waste management policy and principles shall be implemented in close association with the objective of sustainable national development which meets the needs of the current generation without compromising the capacity of future generations to meet their own needs.
- (3) Within the Republic of Moldova, radioactive waste shall be managed in accordance with the following principles and approaches:
- a) polluter pays: the financial burden for the management of radioactive waste shall be borne by the generator of the radioactive waste;
 - b) transparency regarding all aspects of radioactive waste management: all radioactive waste management activities shall be conducted in an open and transparent manner and the public shall have access to information regarding radioactive waste management where this does not compromise the physical security of the nuclear or radiological facility;
 - c) transparency of decision-making based on scientific research, risk analysis and optimisation of resources: the decision-making process shall be based on scientifically-grounded information and results obtained and presented by competent national and international institutions dealing with this field;
 - d) precaution: where there is uncertainty about the nuclear or radiation safety of an activity relating to radioactive waste management, a conservative approach shall be adopted;
 - e) prohibition of the importation of radioactive waste;
 - f) international cooperation: the Government accepts its responsibility towards other countries for global and regional radioactive waste management issues. The principles of national policy and those arising out of the relevant regional and international treaties to which the Republic of Moldova is a party shall be respected in this activity;
 - g) participation: the interests and concerns of all affected or interested parties shall be taken into account in decision-making regarding radioactive waste management;
 - h) educating the public: the Government shall create opportunities for education and fostering tolerance of activities associated with the safe management of radioactive waste.

Article 42. Technical requirements for radioactive waste management

The technical requirements for the safe management of radioactive waste and the classification of radioactive waste shall be established and submitted by the National Agency and approved by the Government

Article 43. Responsibility

Responsibility for radioactive waste management shall be borne by the generator of the waste, and after it has been transferred to a specialist institution – by the holder of the radiation licence for radioactive waste management, in accordance with current legislation.

Article 44. Radioactive waste disposal plan

Holders of radiation licences for radioactive waste management must have a radioactive waste disposal plan which makes provision for active and passive controls after final disposal and after final closure of the storage facility.

Article 45. Responsibility of licensees

Holders of radiation licences for the management of radioactive waste are responsible for:

- a) the nuclear and radiation safety and physical security of the facility;
- b) in-situ categorisation of radioactive waste;
- c) sorting, processing, conditioning and storing radioactive waste in accordance with legal requirements;
- d) creating and managing a register (or database) of stored radioactive waste;
- e) drawing up an annual radioactive waste management report and submitting it to the National Agency by 30 December;
- f) ongoing radiation monitoring of adjacent territory with regard to the content of radionuclides in the air, soil and groundwater, with data to be submitted to the National Agency and the competent authorities;
- g) notifying the National Agency within 24 hours, on paper or in electronic format, of the acceptance of unusable radioactive waste, radioactive sources or nuclear materials, giving a full description of them using a form approved by the National Agency.

Section X

RIGHTS, OBLIGATIONS AND LIABILITY OF INDIVIDUALS AND LEGAL ENTITIES

Article 46. Rights of physical persons in the nuclear and radiological activities sector, individuals within the territory of the Republic of Moldova have the right:

- a) to safe working conditions and to live in a favourable environment;
- b) to receive accurate, swift and competent information about the nuclear or radiation situation;
- c) to social protection (financial compensation) and free medical rehabilitation in the event of accidental overexposure to ionising radiation which is harmful to health.

Article 47. Rights of authorised individuals and legal entities

Authorised individuals and legal entities against whom enforcement measures have been taken have the right to challenge them and receive compensation in accordance with current legislation.

Article 48. Obligations of individuals

In the nuclear and radiological activities sector, individuals within the territory of the Republic of Moldova are obliged to take the precautionary measures stipulated by standards, regulations and rules concerning radiation protection, nuclear and radiation safety and the physical security of nuclear and radiological facilities.

Article 49. Obligations of authorised individuals and legal entities

(1) Authorised individuals and legal entities are obliged:

- a) to maintain nuclear and radiation safety, protection against ionising radiation and the physical protection of nuclear and radioactive materials;
- b) to keep meticulous records of nuclear and radioactive materials and all ionising radiation sources used or produced in their own activity;
- c) to comply with all of the requirements on their radiation licence and report any deviations from the limits and requirements stated on the licence to the National Agency;
- d) to conduct the activities for which they have been authorised;
- e) to devise their own system of requirements, regulations and instructions to ensure that the authorised activities are conducted without incurring risks of any kind.

(2) Authorised persons who conduct nuclear and radiological activities and generate or have generated radioactive waste are obliged: a) to be responsible for the proper management of the radioactive waste generated by their own activity;

- a) to be responsible for the proper management of the radioactive waste generated by their own activity;
- b) to bear the costs of collecting, handling, transporting, treating, decommissioning, conditioning and temporarily or permanently storing the waste, for which purpose they shall establish an own financial resources fund for the management of the radioactive waste, the amount of which shall cover the necessary expenses. This fund shall be intended solely for these purposes;
- c) to devise their own decommissioning programme and submit it to the National Agency for approval;
- d) to make it possible for used radioactive sources and radioactive waste to be transferred to the supplier or user.

(3) The expiry, suspension or revocation of a radiation licence shall not exempt its holder or the person who has taken ownership of the nuclear or radiological materials, facilities and installations or equipment from the obligations set forth in this law or those arising out of the stipulations of the radiation licence.

(4) During inspections, authorised individuals and legal entities subject to inspections are obliged to take all measures necessary to enable them to be properly carried out.

(5) In the event of non-compliance with an inspection or any legal instruction given by the National Agency, the latter may request that the competent public order maintenance authorities intervene, in accordance with current legislation.

Article 50. Liability

- (1) Breaches of the provisions of statutory instruments regulating nuclear and radiological activities shall incur disciplinary, civil, contraventional or criminal liability, as applicable.
- (2) Radiation licencees shall be fully liable for breaches of requirements concerning nuclear and radiation safety and physical security, and for breaches of this law and other statutory instruments applicable to this sector.
- (3) Unauthorised pursuit of nuclear and radiological activities or illegal trafficking of nuclear and radioactive materials, nuclear or radiological installations or facilities, explosive nuclear devices or components thereof which may cause harm to the public or environment shall trigger cessation of the activity, seizure or the enforcement of other measures provided for by law.
- (4) Seized ionising radiation sources shall be kept at the expense of the authorised individual or legal entity at a safe location sealed off by the National Agency, in accordance with nuclear and radiation safety and physical security requirements, so as not to endanger the life and health of the public, cause radioactive contamination of property or the environment or facilitate illegal trafficking, until legal measures have been taken.
- (5) The holder of the radiation licence shall, in accordance with the Civil Code or Penal Code, be solely liable for damage caused during or after nuclear or radiation incidents or accidents which have led to the death, injury or harm to the health of one or more persons or the destruction, damage or temporary unusability of any item of property.
- (6) Liability for damage caused to persons within the territory of the Republic of Moldova as a result of the transiting of nuclear material or nuclear or radiation incidents or accidents which occur outside the territory of the Republic of Moldova shall be enforced on the basis of the Convention on Civil Liability for Nuclear Damage of 21 May 1963, to which the Republic of Moldova is a party.

Section XI

FINAL PROVISIONS

Article 51

- (1) On the date when this law enters into force, Law no. 111-XVI of 11 May 2006 on the safe pursuit of nuclear and radiological activities (Official Journal of the Republic of Moldova, 2006, no. 98-101, art. 451), as subsequently amended and supplemented, shall be repealed.
- (2) Within 9 months, the Government:
 - a) shall submit proposals to Parliament regarding the bringing of current legislation into accordance with this law;
 - b) shall bring its statutory instruments into accordance with this law.

SPEAKER OF PARLIAMENT

Marian LUPU

No. 132. Chişinău, 8 June 2012.

Appendix 1

Appendix 2

[Not Translated]