

LAW OF GEORGIA ON RADIOACTIVE WASTE

Article 1 – Scope of the Law

This Law governs legal relations between the public authorities and the natural and legal persons performing the management of radioactive waste, the handling of radioactive waste and/or activities related to the generation of radioactive waste. This Law also determines the security and safety requirements of radioactive waste management for activities related to radioactive waste and relevant operations.

Article 2 – Objectives of the Law

The objectives of the Law, for compliance with the requirements of the Law of Georgia on Radiation Protection, Nuclear Safety and Security, and international obligations, including the requirements of the Joint Convention of the International Atomic Energy Agency of 5 September 1997 on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management, in the field of radioactive waste management, are the following:

- a) to achieve high standards of safe management of radioactive waste in the country;
- b) to ensure compliance with radioactive waste security and safety requirements at all stages of its management in order to avoid harmful exposure to ionizing radiation of humans and the environment both in the present and in the future;
- c) to create the basis for the prevention of foreseeable incidents and the planning of mitigation of the negative consequences of occurred incidents, at all stages of radioactive waste management.

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Article 3 – Principles of radioactive waste management

Radioactive waste management shall be carried out based on the following principles:

- a) the principle of safety - the management of radioactive waste shall be carried out according to recognised international standards, including taking adequate measures that shall ensure the protection of human health and the environment from the harmful effects of radioactive waste;
- b) the principle of the protection of future generations – radioactive waste management shall be organised in such a way that the future generation will experience less harmful effects of radioactive waste than the current generation is experiencing, and will spend less means on the management of radioactive waste than the present generation is spending;
- c) the principle of control of radioactive waste generation - nuclear and radiation activities shall be carried out in such a way that the likelihood of the generation of new radioactive waste will be reduced to the minimum possible level;
- d) the security principle - radioactive waste management facilities shall be provided with appropriate infrastructure in order to prevent any illegal activities related to radioactive waste throughout the period of their existence;
- e) the principle of transparency of radioactive waste management systems - any information provided for by the legislation of Georgia on radioactive waste location and radioactive waste management shall be accessible to the public;
- f) the polluter pays principle - a radioactive waste producer or owner shall cover the costs associated with radioactive waste management;
- g) the principle of environmental protection - radioactive waste management shall be organised in such a way as to ensure the protection of the environment to an acceptable level;
- h) the principle of protection beyond the country's borders – at the time of the organisation of radioactive waste management in the country, the impact of radioactive waste on human health and the environment outside the country's borders shall be taken into account.

Article 4 – Definition of terms

The terms used in this Law, for the purposes of this Law, have the following meanings:



- a) disused radioactive sources – radioactive sources which are no longer used, or are not intended to be used further;
- b) closure - the completion of all actions associated with the burial of radioactive waste after a certain time has elapsed from the disposal of radioactive waste in a radioactive waste disposal facility and the completion of the final engineering and other works which are necessary to ensure the long term safety of relevant facilities;
- c) decontamination – a set of technical measures (physical, chemical, and biological processes), which are aimed at the partial or full cleaning of radioactively contaminated surfaces from nuclear materials and radioactive substances;
- d) radioactive waste conditioning - a set of measures that are aimed at the packing and re-packing of radioactive waste to ensure their safe transportation, storage or burial;
- e) radioactive waste - products, including disused radioactive sources, devices, substances in any physical condition containing radionuclide with activity concentration exceeding the clearance level, or contaminated with such radionuclide, the further use of which is not foreseen;
- f) acceptance criteria for radioactive waste – the quantitative and qualitative characteristics of radioactive waste, that are necessarily examined for their readiness for relevant storage, and for a radioactive waste management facility and/or radioactive waste disposal facility;
- g) radioactive waste disposal facility - the premises where radioactive waste is disposed permanently for safe preservation without the intention of its future retrieval;
- h) radioactive waste storage - premises where radioactive waste may be disposed of temporarily for safe preservation, except for state-owned radioactive waste, taking into consideration the possibility of its future retrieval;
- i) radioactive waste management facility - premises where radioactive waste may be placed temporarily for safe preservation, including state-owned radioactive waste, taking into consideration the possibility of its future retrieval;
- j) radioactive waste management - the joint operations of radioactive waste handling and relevant organisational measures;
- k) a radioactive waste owner - a natural or legal person who carries out nuclear or radiation activities, as a result of which radioactive waste has been generated or will be generated, and/or a natural or legal person who is holding radioactive waste;
- l) radioactive waste handling - a measure, or a set of measures, that includes radioactive waste collection, sorting, processing, conditioning, transportation, storage and burial and the operation, decommissioning/dismantling and closure of facilities, installations and devices designed for radioactive waste handling;
- m) radioactive sources - radioactive substances and devices containing or generating them that emit radiation, or can cause the ionization of a substance at the time of radiation;
- n) state-owned radioactive waste - radioactive waste and/or an orphan (uncontrolled) radioactive source that was transferred to state ownership for disposal into a radioactive waste disposal facility and/or radioactive waste management facility;
- o) the Ministry - the Ministry of Environmental Protection and Agriculture of Georgia;
- p) the Agency - the Agency of Nuclear and Radiation Safety, a legal entity under public law operating within the system of the Ministry of Environmental Protection and Agriculture of Georgia;
- q) the Department - the radioactive waste management department determined by the Law of Georgia on Radiation Protection, Nuclear Safety and Security.

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Article 5 – Competent authorities in the field of radioactive waste management

1. The competencies of the Government of Georgia in the field of radioactive waste management shall be:

- a) to approve the national strategy for radioactive waste management according to the principles provided for by Article 3 of this Law;
- b) to approve the action plan for the implementation of the national strategy for radioactive waste management;
- c) to make decisions on the selection of locations for radioactive waste disposal facilities and radioactive waste management facilities, and for their design, construction, putting into operation, and the closure of a radioactive waste management facility, and the decommissioning and closure of a radioactive waste disposal facility, with consideration for



the safety and security requirements of radioactive waste management;

d) to establish the safety and security requirements of radioactive waste management.

2. The competencies of the Ministry in the field of radioactive waste management shall be:

a) to implement the unified state policy in the field of radioactive waste management;

b) to establish supervision over the implementation of the treaties concluded by Georgia in relevant fields;

c) to establish state control over the activity of the Agency in the field of radioactive waste management in accordance with the legislation of Georgia;

d) to provide information related to the field of radioactive waste management to interested persons, and other countries through the Ministry of Foreign Affairs of Georgia.

3. The competencies of the Ministry of Internal Affairs of Georgia in the field of radioactive waste management shall be:

a) to ensure the physical protection and control of radioactive waste disposal facilities and radioactive waste management facilities in accordance with the legislation of Georgia;

b) to prevent, within its competencies, the transportation of radioactive waste into the territory of Georgia;

c) if necessary, to participate through the authorised units in the retrieval of radioactive waste, the transportation of radioactive waste for disposal to radioactive waste disposal facilities and/or radioactive waste management facilities.

4. The competencies of the Agency in the field of radioactive waste management shall be:

a) to authorise specific activities related to radioactive waste in accordance with the Law of Georgia on Radiation Protection, Nuclear Safety and Security;

b) to control activities related to radioactive waste by implementing inspection measures;

c) to implement enforcement measures in the manner established by the legislation of Georgia in the event of the detection of an infringement of licensing terms and conditions of activities related to radioactive waste and in the event of unauthorised activities related to radioactive waste;

d) to participate, within its competences, in the development of the national strategy for radioactive waste management;

e) to participate in the development of the action plan for the implementation of the national strategy for radioactive waste management;

f) to cooperate, within its competencies, with international organisations acting in the field of radioactive waste management and with the relevant services of other countries;

g) to implement measures, within its competences, related to the provision of information to the public in relevant fields;

h) to develop draft legal acts for the safe management of radioactive waste;

i) to implement other powers defined by the legislation of Georgia.

5. The main functions of the Department shall be:

a) the management of state-owned radioactive waste;

b) the administration of radioactive waste management facilities and radioactive waste disposal facilities;

c) the transportation of radioactive waste and radioactive substances in the manner established by the legislation of Georgia;

d) the decontamination, within its competencies, of areas and surfaces contaminated by radioactive substances;

e) the development of a relevant proposal on the selection of locations for radioactive waste disposal facilities and radioactive waste management facilities, for their design, construction, putting into operation, and the closure of radioactive waste management facilities, and the decommissioning and closure of radioactive waste disposal facilities, and the organisation of a public hearing to ensure public participation in this process;

f) cooperation, within its competencies, with international organisations and the relevant services of other countries on issues of radioactive waste management.

6. The Department at the time of the performance of its functions shall ensure the protection of human health and the environment from the harmful effects of radioactive waste taking into consideration the safety and security requirements of radioactive waste management.

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Article 6 – National strategy for radioactive waste management and the action plan for its implementation

1. The Government of Georgia shall approve the radioactive waste management strategy for a period of 15 years. The national strategy for radioactive waste management shall include analyses of the current situation in the country associated with radioactive waste management and information on measures to be implemented.
2. The Government of Georgia shall approve the action plan for the implementation of the national strategy for radioactive waste management, which shall include the following information:
 - a) the means of implementing the measures provided for by the national strategy for radioactive waste management;
 - b) the technological processes necessary for processing radioactive waste;
 - c) risk assessment measures in radioactive waste management facilities and radioactive waste disposal facilities;
 - d) safety assessment measures in radioactive waste management facilities and radioactive waste disposal facilities;
 - e) radioactive waste locations, sites historically contaminated by radioactive waste and measures necessary for their complete decontamination;
 - f) the assessment of the potential flows of radioactive waste generation;
 - g) measures to re-establish control by the state of orphan (uncontrolled) radioactive sources;
 - h) the means and terms for implementing the measures set forth by the action plan, the estimated costs and sources of funding, and the departments and organisations responsible for the implementation of these measures;
 - i) other important information associated with radioactive waste management.

Article 7 – Selection of locations for radioactive waste management facilities and radioactive waste disposal facilities

The locations for radioactive waste management facilities and radioactive waste disposal facilities shall be selected on the basis of assessment, which shall include:

- a) analyses of all potential factors which could impact the safety and security of radioactive waste disposal facilities and radioactive waste management facilities;
- b) different types of research, including geological, hydro geological, geophysical and environmental research;
- c) an assessment of the potential effects of the functioning of radioactive waste disposal facilities and radioactive waste management facilities on the neighbouring countries of Georgia.

Article 8 – Establishment of protection zones for radioactive waste disposal facilities and radioactive waste management facilities

1. Protection zones shall be established around radioactive waste disposal facilities and radioactive waste management facilities, whose boundaries shall be determined in the manner established by the legislation of Georgia.
2. The boundaries of the protection zones of radioactive waste disposal facilities and radioactive waste management facilities shall be determined with consideration of the radiation levels caused by these facilities, and the quantity and the area of release/emission and discharge of radioactive substances in their vicinity.
3. The placement of any structure and/or the implementation of any activity in the protection zones of radioactive waste disposal facilities and radioactive waste management facilities that are not directly associated with the functioning of the relevant facilities shall be prohibited.

Article 9 – Radioactive waste disposal

1. Radioactive waste shall be disposed of in radioactive waste storage facilities, radioactive waste management facilities or radioactive waste disposal facilities for safety purposes.
2. The costs associated with radioactive waste disposal shall be reimbursed by the owner of the radioactive waste.
3. Radioactive waste shall be disposed of in radioactive waste storage facilities, radioactive waste management facilities, or radioactive waste disposal facilities in accordance with the corresponding radioactive waste acceptance criteria.
4. The following shall be considered in the radioactive waste acceptance criteria:
 - a) radioactive waste classes, which shall be defined by the Technical Regulations - Ionizing Radiation Sources,



Radioactive Waste, the Procedures for Creation and Maintenance of the Departmental Registry of Authorisation, Categorisation of Sources of Ionizing Radiation;

- b) the physical and chemical properties of the radioactive waste;
- c) the activity of the radioactive waste;
- d) the volume and weight of the radioactive waste;
- e) other relevant information.

Article 10 – General requirements for the owners of radioactive waste

1. Owners of radioactive waste, at the time of radioactive waste management, are obliged as follows:

- a) to ensure taking the safety measures provided for by the legislation of Georgia;
- b) to prevent foreseeable incidents and accidents, and in the event of an incident or accident, to eliminate its consequences and fully compensate for the damage caused;
- c) to carry out other requirements established by the legislation of Georgia.

2. The storage period of radioactive waste in radioactive waste storage facilities or radioactive waste management facilities shall be determined for radioactive waste owners by the terms of their license.

Article 11 – Duties of other persons in the field of radioactive waste management

Natural or legal persons who do not carry out nuclear and radiation activities but whose activities generate radioactive waste (which includes radioactive substances generated naturally), shall:

- a) immediately notify the Agency of the generation of radioactive waste and ensure the safety thereof prior to disposal of the radioactive waste in accordance with the Technical Regulations - Radioactive Waste Handling Procedures;
- b) immediately, as the radioactive waste has been generated, ensure its safe disposal in a radioactive waste management facility, or a radioactive waste storage facility.

Article 12 – Rights of citizens of Georgia, stateless persons and aliens in the field of radioactive waste management

Citizens of Georgia, stateless persons and aliens shall have the following rights:

- a) to receive public information associated with radioactive waste management, as provided for by the legislation of Georgia;
- b) to apply to authorised bodies and demand that they ensure compliance with the safety and security requirements of radioactive waste management, as provided for by the legislation of Georgia;
- c) to participate in public hearings associated with the arrangement of radioactive waste disposal facilities and radioactive waste management facilities and the closure of radioactive waste management facilities and radioactive waste disposal facilities.

Article 13 – Import, export, transit, re-export and transportation of radioactive waste

The issues related to the import, export, transit, re-export and transportation of radioactive waste shall be regulated by the Law of Georgia on Radiation Protection, Nuclear Safety and Security.

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Article 14 – Liability for non-compliance with the requirements established by the legislation of Georgia in the field of radioactive waste management

Liability for non-compliance with the requirements established by the legislation of Georgia in the field of radioactive waste management shall be determined under the Criminal Code of Georgia, the Administrative Offences Code of Georgia, and the Law of Georgia on Radiation Protection, Nuclear Safety and Security.

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Article 15 – Normative acts to be adopted in relation to the entry into force of the Law

The Government of Georgia shall:

- a) adopt the Ordinance on the Approval of Technical Regulations - Radioactive Waste Handling Procedures, within two months after the entry into force of this Law;
- b) before 1 January 2017, adopt the Ordinance on Approval of the Technical Regulations on the Main Requirements for the Assessment of the Safety of Radioactive Waste Management Facilities;
- c) before 1 January 2017, adopt the Ordinance on Approval of the Technical Regulations on the Main Requirements for the Assessment of the Safety of Radioactive Waste Disposal Facilities;
- d) before 1 January 2024, adopt the Ordinance on Approval of the Technical Regulations on the Main Requirements for the Safety Report of Radioactive Waste Processing Facilities and Storage Facilities;
- e) before 1 January 2024, adopt the Ordinance on Approval of the Technical Regulations on the Main Requirements for the Safety Report of Radioactive Waste Repositories.

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Article 16 – Transitional provision

The Government of Georgia shall approve the National Strategy for Radioactive Waste Management within one year after the entry into force of this Law.

Article 17 – Entry into Force of the Law

This law shall enter into force from 4 January 2016.

President of Georgia

Giorgi Margvelashvili

Kutaisi

11 November 2015

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