Regional Workshop to Share Experiences on the Implementation of the IAEA Guidance on the Import and Export of Radioactive Sources

Khartoum, Sudan

30 November – 2 December 2015

Report of the Chairman

INTRODUCTION

1. A regional workshop to share experiences on the implementation of the IAEA Guidance on the Import and Export of Radioactive Sources (hereinafter – the Guidance) was held from 30th November to 2nd December 2015 in Khartoum, Sudan under the chairmanship of Prof. Shamsideon Elegba (Nigeria).

2. Thirty three experts attended the workshop from 21 Member States of the IAEA. Participants from Angola, Burkina Faso, Cameroon, Cote d’Ivoire, Democratic Republic of Congo, Ethiopia, Ghana, Kenya, Lesotho, Libya, Madagascar, Mali, Malawi, Mauritius, Niger, Senegal, Sudan, Uganda, United Republic of Tanzania, Zambia and Zimbabwe made presentations and actively participated in the workshop. The Scientific Secretary of the workshop was Mr. Ibrahim Shadad (IAEA Division of Radiation, Transport and Waste Safety). The workshop was hosted by the Sudanese Nuclear and Radiological Regulatory Authority and took place in Coral Hotel, Khartoum.

OPENING CEREMONY

3. Participants were welcomed to the workshop by the Director General of the Sudanese Nuclear and Radiological Regulatory Authority, Professor Mohammed A. H. Eltayeb. The opening ceremony was graced by the presence of both the former and incumbent Director General of the Sudan Atomic Energy Commission, Professor Omer Elamin and Dr. Mohammed A. E. Ashaiekh, respectively.

4. Mr. Ibrahim Shadad welcomed participants on behalf of the IAEA and stressed the importance to the IAEA that each Member State should make political commitment to the Guidance. In that regard, he also urged each Member State to designate a Point of Contact to facilitate the import and export of radioactive sources and to complete and share with the IAEA their responses to the Importing and Exporting Questionnaire that forms the annex of the Guidance.

5. The workshop was declared open by the Honourable Minister of Higher Education and Scientific Research, Dr. Somia Abu Kashawa. In her opening address, the Hon. Minister revealed that the Government of Sudan is about to promulgate a new legislation on nuclear and radiation safety, consistent with the international standards which will provide for the establishment of the regulatory authority. In addition, the Hon. Minister enjoined participants to focus on competence building of the regulatory staff and propagation of public awareness on the safety and security of radioactive sources.
PRESENTATIONS

6. Professor Elegba welcomed the participants and urged them to take advantage of the presence of the IAEA expert to discuss their regulatory challenges in the process of implementing the Guidance. He thanked the IAEA for responding to the needs of Member States by organizing this and other related training courses and workshops. He also expressed appreciation to the Government and People of Sudan through the Sudanese Nuclear and Radiological Regulatory Authority for their warm hospitality since arrival in Khartoum. He reminded participants that every Member State is an importer and exporter of radioactive sources, and that this gathering was not a training course; it is a round table discussion of experts, representing their State and bringing their national experience to the table in the area of import and export of sources.

7. Mr. Shadad gave a presentation describing the background to and development of the Guidance. The presentation reviewed the content of the Guidance, the status of Member States participating in the workshop vis-à-vis the political commitment to the Guidance, the designation of Point of Contact and the Import/Export questionnaire. The presentation elicited questions and comments from the participants.

8. The Chairperson subsequently initiated discussion about the expectations of the participants for the workshop in view of the statistics given in the presentation by Mr. Shadad on the status of implementation of the Guidance.

9. The Member States represented at the workshop thereafter commenced a series of presentations over the first two days, while the third day was dedicated to two Break-out sessions during which the participants were divided into five Working Groups. Participants shared information relevant to their national situations, concerning achievements, challenges and lessons learned in implementing the Guidance.

10. During the presentations, a number of common themes and challenges were brought to the fore and discussed by all participants and the IAEA expert. The common issues were as follows:
   A. The Regulatory authority in several Member States still does not have Memorandum of Understanding (MoU) with the Customs;
   B. Bilateral agreements with other Member States is still not common;
   C. Points of Contact (PoC) in many Member States have not been appointed and in cases where they have been appointed, they are usually too busy or too high up in the administrative hierarchy that they do not have adequate time to devote to import/export issues as required by the Guidance;
   D. Application of the Guidance in several Member States is partial;
   E. Although, most of the Member States represented use RAIS as source registry, some still have challenges;
   F. The Regulatory authority in many of the Member States represented does not have written procedures for the applicants and for the management of import and export of Category 1 & 2 radioactive sources;
   G. The Regulatory authority in most Member States does not require the licensee to make provision of financial guaranty for any default in repatriation of the disused sources;
   H. Some of the Member States still do not have legislation or the regulatory authority to deal with import and export of radioactive sources in a manner consistent with the Guidance;
11. It is however commendable that most of the represented Member States have inventory of sources and require licence for the import and export of licences for radioactive sources, which is predicated on return of disused sources to country of origin.

12. For the two Break-out sessions, participants were divided into five Working Groups:
   A. WG A: Cameroon, Libya, Malawi, Sudan, United Republic of Tanzania;
   B. WG B: Burkina Faso, Ghana, Uganda, Lesotho, Zimbabwe;
   C. WG C: Angola, Cameroon, Cote d’Ivoire, Niger, Madagascar, Zambia, Senegal;
   D. WG D: Kenya, Mauritius, Sudan, Uganda, United Republic of Tanzania;
   E. WG E: Burkina Faso, Democratic Republic of Congo, Ethiopia, Ghana, Mali.

13. Break-out Session 1 has the following issues and suggested solutions:
   A. Reasons for States not having expressed political support to the Guidance
      i. No legislation on radiation safety and security of radioactive sources which will provide for the establishment of an independent regulatory authority;
      ii. Regulatory authority is not established;
      iii. Ignorance on the part of policy makers that radioactive sources are not the same as nuclear materials; and the fact that the country does not have a nuclear power programme does not mean that radioactive sources are not being used in several sectors of the national economy;

   Suggested solutions:
      i. The State should promulgate legislation on radiation safety and security of radioactive sources which will provide for the establishment of an independent regulatory authority; and if there is legislation it should be implemented by establishing the regulatory authority;
      ii. The leadership of the regulatory authority should be adequately sensitized and informed by the IAEA and the Forum of Nuclear Regulatory Bodies in Africa (FNRBA) on the difference between the Code of Conduct and a convention in terms of the state’s responsibilities and obligations;
      iii. The leadership of the regulatory authority should be assisted by the IAEA to conduct high-level sensitization seminar for policy makers (especially for officials of the Foreign Affairs Ministry) on the advantages of the Code and its non-binding nature in opposition to the state’s obligations under a convention.

   B. Reasons for States not filling the questionnaire
      i. There is no regulatory authority;
      ii. Point of Contact has not been appointed or where appointed is the CEO who is saddled with too many other responsibilities;
      iii. State confidentiality.

   Suggested solutions:
      i. The State should promulgate legislation on radiation safety and security of radioactive sources which will provide for the establishment of an independent regulatory authority; and if there is legislation it should be implemented by establishing the regulatory authority;
      ii. Leadership of the regulatory authority should appoint a Point of Contact outside the CEO who shall be responsible for all matters concerned with the Code and the associated Guidance and who in turn will be accountable to the CEO;
iii. The Point of Contact (and not the CEO or any other person) should be trained by the IAEA on all matters related to the Code and the Guidance;

C. Identified difficulties in responding to a request for consent
   i. There is no regulatory authority established by legislation;
   ii. There is no designated Point of Contact other than the CEO;
   iii. Suppliers are reluctant to give information about consignment;
   iv. There is lack of written procedure or protocol for Import and Export
   v. Lack of communication between the regulatory authority and the Customs
   vi. Lack of bilateral arrangements between countries
   vii. No supporting Documents (no letter of return agreement, source certificates)

Suggested solutions:
   i. In the absence of a regulatory authority, government should assign the responsibility to the Customs, as an interim measure;
   ii. Designated government agency should appoint PoC;
   iii. IAEA should provide national and regional training workshop to the Member States.

D. Reasons for not applying the Guidance when sending back a disused source
   i. No Regulatory authority or legal framework in the importing State
   ii. There is no designated Point of Contact other than the CEO;
   iii. Inadequate understanding of the Guidance;
   iv. Lack of written procedures/guidelines for Export;
   v. Several mechanisms differ for different Member States in adopting the guidance
   vi. Lack of finances (state/etc)
   vii. Lack of bilateral arrangements between the importing and exporting states
   viii. Existence of Legacy Sources without agreement of return to country of origin;

Suggested solutions:
   i. Leadership of the regulatory authority should appoint a Point of Contact outside the CEO who shall be responsible for all matters concerned with the Code and the associated Guidance and who in turn will be accountable to the CEO;
   ii. The Point of Contact (and not the CEO or any other person) should be trained by the IAEA on all matters related to the Code and the Guidance;
   iii. Develop and implement written procedures/guidelines for Export
   iv. Making bilateral agreements with the Importing States

E. Identified Benefits of Prior Notification for Both the Exporting State and the Importing State
   i. Facilitates the issuance of licences;
   ii. Speedy clearance of radioactive consignments from the port of entry;
   iii. Eliminates or reduces the challenges of illicit trafficking;
   iv. Facilitates tracking of the sources from cradle to grave;
   v. Ensures security of the sources throughout its life cycle in the importing country through easy tracking;
   vi. Assures the Exporting State of the preparedness of the Importing State to receive the sources;
   vii. Promotes international regulatory confidence among all States;
   viii. Makes accountability of sources easier between states
   ix. Safety and security measures of the radioactive sources are assured
14. Break-out Session 2 has the following issues:

A. Reaction of users to import licence requirement
   i. This should be the responsibility of the Customs;
   ii. There are too many regulators requiring different information;
   iii. Complain of lack of documentation from their suppliers
   iv. Complain on licence fees and financial guarantee for a source to be returned and by so doing increasing the cost of doing business;
   v. Authorization process is too long;
   vi. They feel the requirements are too many, hence prohibitive
   vii. Requirements are usually not in writing and can therefore be confusing;
   viii. There is little or no guidance on how to complete the application forms or meet the requirements of the regulations;
   ix. Poor understanding of the need for source security during import, transport, use, storage and export;
   x. Difficulty in obtaining the required documents – letter of return and the source certificate.

B. Reaction of Users to Export Licence Requirement
   i. This should be the responsibility of the Customs;
   ii. There are too many regulators requiring different information
   iii. Complain of lack of documentation from the recipient
   iv. Complain on licence fees
   v. The sources are no longer useful;
   vi. The requirements are too many, and a burden to them;
   vii. High cost of disposal of disused sources which was not factored into the initial cost at the time of importation;
   viii. Denial of Shipment by some shipping companies;
   ix. Consent documents from Importing States may be difficult to obtain;
   x. Manufacturer cannot be traced or no letter of return.

C. Do Users Pay For Import/Export Licence (Annex A)?
   i. Regulatory authority of most of the Member States represented charge fees for both import and export licences;
   ii. Some do not charge for export licence as an incentive to encourage licensees return sources to manufacturers as soon as the sources are no longer useful;
   iii. Some transit of import and export do not require payment.

D. Other National Agencies involved in the Import/Export Regime of Radioactive Sources (Annex B)
   i. The Customs are involved in all Member States, with or without an Memorandum of Understanding (MoU);
   ii. Depending on each Member State and the level of engagement with the regulatory authority, other government agencies involved include the Police, Ministry of Trade, Ministry of Environment, Ministry of Transport, Ministry of Foreign Affairs, Fire Service Department and Immigration.
E. Does the Regulatory Authority Have Periodic Sessions on Sharing of Experience and Learned Lessons with Licensees, Customs and Other Relevant Organizations?
   i. Most Regulatory Authorities hold periodic sessions on sharing of experience and learned lessons with the licensees;
   ii. Most MS have informal periodic sessions on sharing experience with the Customs but not with other agencies, depending on the level of bilateral engagement

F. Government Attitude To Licensing For Operators Especially In The Petroleum, Mining Or Health Sectors
   i. In general, governments do not interfere in the regulatory functions of the regulatory authority, but sometimes, they by-pass regulatory procedures once the authorization involves priority projects such as medical facilities;
   ii. The regulatory authority is expected to accelerate the licensing process in petroleum and mining sectors

RECOMMENDATIONS
A. IAEA should continue to:
   i. Sensitize Member States at the national level on the need to give political commitment to the Code and the Guidance;
   ii. Organize regional training workshops for the Points of Contact and representatives of other government agencies relevant to the implementation of the Code and the Guidance.

B. Member States should:
   i. Promulgate and implement legislation which will result in the establishment of the regulatory authority in agreement with IAEA Standards;
   ii. Make political commitment to the use of the Code and the Guidance;
   iii. Consider the inclusion of the regulatory authority in the national “single window” arrangement for import and export.

C. The regulatory authority should:
   i. Appoint Point of Contact for the Code and the Guidance other than the CEO;
   ii. Consider encouraging importers of sources to return the disused sources to the manufacturers, (for example by not charging fees for the export licence as in Zimbabwe);
   iii. Consider establishing Points of Contact with the Customs and other relevant agencies, especially at the border points;
   iv. Strive to conclude MoU with the Customs and other relevant agencies for effective control of import/export of radioactive sources.
   v. Consulting stakeholders (including licensees), from the beginning, when setting licensing fees for export and import of radioactive sources

Professor S. B. Elegba
Chairperson
ANNEX A: FEES FOR IMPORT AND EXPORT LICENCE OF RADIOACTIVE SOURCES

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<tr>
<th>COUNTRY</th>
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Recommendations:

A1 MEMBER STATES should consider encouraging importers of sources to return the disused sources to the manufacturers, (for example by not charging fees for the export licence as in Zimbabwe).

A2 MEMBER STATES should consider the inclusion of the Regulatory authority in the national “single window” arrangement for import and export;

A3 The Regulatory authority should consider establishing Points of Contact with the Customs and other relevant agencies, especially at the border points.
ANNEX B: AGREEMENT WITH CUSTOMS AND OTHER RELEVANT AGENCIES

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Recommendations:

B1 The regulatory authority should strive to conclude MoU with the Customs and other relevant agencies for effective control of import/export of radioactive sources.

Strategies:

B2 Organization of high level sensitization seminars for the Customs and other relevant agencies;

B3 Training of front line officers of the Customs and other relevant agencies on the hazards of radioactive sources;

B4 Sending copies of import/export licences issued by the Regulatory Bodies to the Customs and other relevant agencies.