

## **Interregional Meeting to Share Experiences on the Implementation of the Guidance on the Import and Export of Radioactive Sources**

**Vienna, Austria 10 to 12 March 2015**

### **Report of the Chairman**

1. An interregional meeting for sharing experience and lessons learned in implementing the Guidance on the Import and Export of Radioactive Sources (the Guidance), was held from 10 to 12 March 2015 in Vienna, Austria at the International Atomic Energy Agency (IAEA) Headquarters under the chairmanship of Mr T. Hayes (Canada).
2. 30 experts attended the meeting from 18 Member States of the IAEA (Albania, Bosnia and Herzegovina, Canada, Croatia, Egypt, Ghana, Jordan, Lebanon, Libya, The Former Yugoslav Republic of Macedonia, Malta, Montenegro, Morocco, Serbia, Tunisia, Turkey, United Republic of Tanzania, and the United States of America). The Scientific Secretary for the meeting was Mr H. Mansoux (IAEA Division of Radiation, Transport and Waste Safety). The meeting was part of Project INT/9/176 – Strengthening Cradle-to-Grave Control of Radioactive Sources in the Mediterranean Region.
3. Mr J. Wheatley, Acting Section Head for the Regulatory Infrastructure and Transport Safety Section opened the meeting. In Mr Wheatley's opening remarks, he discussed the importance of maintaining the safety of radioactive sources during each and every import and export. Delegates were further reminded that although they are primarily importing States, when returning disused sources to the supplier State, the roles of importers and exporters may become reversed with respect to import and export control provisions of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and Guidance.
4. Mr M. Recio, Section Head for Division for Latin America, Department of Technical Cooperation (TCLA) provided additional opening remarks. Mr M. Recio discussed the purpose of the meeting in relation to Project INT/9/176. He added that this project will end in 2015, but should be followed by another project for the next 4 years.
5. The objective of the meeting was to share experience and lessons learned in implementing the Guidance in order to provide greater clarity about its provision, to seek harmonization of import and export controls and to strengthen cradle-to-grave control of radioactive sources in the Mediterranean region. All States

present were requested to prepare a national report and deliver a national presentation on Guidance implementation status.

6. During the opening session, the IAEA provided an overview of the Guidance as a supplement to the Code, including its history and an update on the current number of States committed to both the Code and Guidance. The update further included the States participating in the meeting with regards to political support to the Code and the Guidance, the nomination of a Point of Contact and the submission of the Importing and Exporting States Questionnaire (Annex I of the Guidance). States that have not yet provided political commitment to the Code and or Guidance were encouraged to do so. States were also invited to nominate a Point of Contact and to submit a questionnaire.
7. Presentations were given by Canada and the United States of America on their implementation of the Guidance. The purpose of these presentations were to highlight successful implementations and to provide lessons learned from major exporting States to be used as reference for the attending States.

#### **Political Commitment to the Guidance**

8. Of the 18 attending Member States, all but one State have provided political commitment to the Code and 10 States have provided political commitment to the Guidance.
9. Participants were reminded that under paragraphs 23-29 of the Code, import and export control provisions such as request for consent and prior shipment notification are recommended and despite lack of commitment to the Guidance, consideration to implement these provisions should be given.
10. It was recognized that some States do implement the provisions of the Guidance without making the political commitment.
11. The benefits of providing political commitment to the Guidance were discussed. One of the key benefits highlighted was that political commitment provides confidence to neighbouring States, trading partners and the international community that the import and export of radioactive sources will be facilitated in a harmonized manner consistent with the import and export control provisions of the Code and the Guidance.

#### **Implementation of the Guidance**

12. From the national presentations, it was apparent that all States have in place the necessary legal and regulatory infrastructure to authorize the import and export of radioactive sources. It was noted however that many of the programs presented were not consistent with the provisions of the Guidance related to request for consent and notification prior to shipment.

13. For the EU Member States present, it was discussed that the HASS Directive (Council Directive 2003/122/Euratom) and Council Regulation (Euratom) No 1493/93 took precedence in their implementation of an import and export control program over the recommendations of the Guidance. This is directly linked to the legal nature of the HASS Directive and 1493/93 Regulation for EU Member States versus the non-legally binding nature of the Guidance.

#### **Point of Contact**

14. The role, responsibilities and importance of a Point of Contact to facilitate the import and export of radioactive sources in accordance with the provisions of the Code and Guidance was discussed.
15. Reported use of the IAEA List of Points of Contact was mixed. Some participants stated that the list has never been used by their State during the import or export of Category 1 or 2 radioactive sources, however other States have used the list for the exchange of information related to import and export and for other purposes. Other participants indicated issues related to use of the list due to out-dated contact information resulting in delayed response and or no communication from the point of contact.
16. It was recommended by the participants that States should periodically verify the accuracy of their National Points of Contact and that the IAEA should periodically ask for updates.
17. It was further recommended that all Points of Contact must understand their role and responsibilities and be readily available to facilitate the import and export of radioactive sources or appoint an alternate point of contact to ensure communication between the importing and exporting States remains effective.

#### **Evaluation of Applications for Export Authorization**

18. All States have in place procedures for authorizing the export of Category 1 and 2 radioactive sources. However, many of the export authorization processes are not fully consistent with the provisions of the Guidance.
19. Based on the national presentations, all States require confirmation that the radioactive source recipient is authorized to receive and possess the subject source.
20. It was observed that a majority of the participating States do not conduct an assessment of the importing State regulatory infrastructure to satisfy itself that the importing State has the regulatory capacity to effectively manage the radioactive source in a safe and secure manner. It was discussed that this observation is likely due to the fact that sources exported are often being returned to the country of origin or another major exporting State with well-established infrastructure.

#### **Request for Consent**

21. A vast majority of the participating States acknowledged receipt of an import consent request from the exporting States for the import of a Category 1 radioactive source into their respective State.
22. Use of request for consent for Category 1 sources being returned to the country of origin or to a third party State was not observed and it became apparent that there is some confusion regarding the use and purpose of the request for consent.
23. It was discussed that the request for consent is not an authorization to import but rather an indication that the importing State is willing to receive the source in the near future.
24. Although the IAEA has a model request for consent form online for use by all States, it was discussed that the immediate use of the form is not possible as it contains all six official languages of the IAEA. It was therefore recommended that the IAEA develop a request for consent form, readily available for use for each of the six official languages of the IAEA, effectively creating six consent request forms from the current single model request for consent form.
25. It was further discussed that many States were not aware of the IAEA model request for consent form. It was therefore recommended that the IAEA highlight the location, use and purpose of the new forms once created.

#### **Notification Prior to Shipment**

26. The EU Member States reported use of the 1493/93 Regulation and form to provide notification of export to other EU Member States however a vast majority of the States present that export outside the EU have not provided prior shipment notification to the importing State as outlined in the Guidance.
27. It was reported that most States have received a notification prior to shipment for a majority of the Category 1 and 2 radioactive sources imported but some reported issues with timely receipt of the notifications. It was further discussed that maintenance and awareness of the List of Points of Contact could assist to improve this issue.
28. It was discussed that the use of notification prior to shipment may have beneficial uses beyond those foreseen by the Code and Guidance, especially for States that do not import Category 1 and 2 radioactive source on a routine basis. The benefits discussed include: allowing the importing State to notify local authorities (police, first responders) for security purposes, implement safety protocols for radiation protection (including but not limited to issuance of dosimeters to workers handling the import, application of ALARA principles) and arrange for immediate transport from port of entry to end-user site to ensure the shipping container does not remain in customs and cause unnecessary exposure.

#### **Import of Category 1 and 2 Radioactive Sources**

29. All States have in place procedures for authorizing the import of Category 1 and 2 radioactive sources.
30. It was observed from the national presentations that all States have a registry and imported sources are recorded in the respective registries. It was further observed that a vast majority of participating States use the IAEA RAIS (Regulatory Authority Information System).
31. Participants were reminded of the overall importance of having an accurate registry and to also include information related to the import and export of the radioactive source to maintain the source history. The participants were also reminded not to delete the source information from their registries once the source has been exported.

### **Exceptional Circumstances**

32. There was no reported use of exceptional circumstances as outlined in the Guidance.
33. It was noted and discussed that application of exceptional circumstances is not clear and a majority of the participating States had some degree of confusion on the use of this provision. This however may in part be due to the fact that the participating States are not major exporting States and application of exceptional circumstances is unlikely.
34. It was discussed that additional text could be added to the exceptional circumstances paragraph of the Guidance to make its application more explicit.

### **Importing and Exporting States Questionnaire**

35. All States that have provided political commitment to the Guidance were reminded that the 2012 Guidance Importing and Exporting States Questionnaire should be completed and submitted to the IAEA if they have not already done so. It was discussed and recommended that should change occur with any element of the national regulatory framework, States should amend their responses and re-submit to the IAEA.
36. The overall purpose of the questionnaire was discussed and the participating States were informed that the questionnaire might also be used as a high-level assessment tool to verify implementation of the Code or areas where the State may require additional effort.
37. It was further discussed that submission of a State's responses to the IAEA increase that State's transparency with respect to import and export controls and assists to harmonize and facilitate the authorization of import and exports of Category 1 and 2 radioactive sources.

### **Management of Radioactive Sources Throughout Life-Cycle**

38. Although not explicitly identified as a provision of the Guidance, as per the Code, exporting States should consider that a radioactive source would be managed in a safe and secure manner throughout its life-cycle.
39. In this regard, many States reported that prior to authorizing the import of a radioactive source a take back agreement/statement, or financial guarantee is required to ensure that the source return to the supplier at the end of its life-cycle. Some of these take back agreements had no legal basis and have never been tested.

### **Revision of Guidance**

40. It was discussed that as per paragraph 20 of the Guidance, the Guidance should be reviewed, and if appropriate, revised by Member States every five years or earlier if necessary. Participants were reminded that the last review of the Guidance occurred in 2010. As such, the participants were requested to review the Guidance and report and discuss potential revisions.
41. It was discussed that when a source is authorized for export under exceptional circumstances, the exporting State should ensure that end of life-cycle management is known. If the importing State does not have an end of life-cycle plan for the source, the exporting State should ensure that the source would return to the supplier. The participating States recommended that paragraph 15 of the Guidance be revised to reflect this discussion.
42. It was recommended that a definition of request for consent be included in the Definitions section of the Guidance to clarify that request for consent is not an authorization and serves to communicate that the importing State is willing to receive the source in their respective State.
43. It was recommended that the List of Points of Contact be harmonized with the denial of transport list. It was expressed that such action would bring greater coordination between import and export controls and transport of radioactive material.
44. It was recommended that the Guidance be revised to bring greater clarity to the role and responsibilities of the point of contact specifically regarding the request for consent and the notification prior to shipment. It was further recommended that all points of contact assign a secondary point of contact to ensure continuity of communication during absence.

### **Summary of Recommendations**

From the discussions held, the meeting made the following recommendations:

45. States that have not already done so should provide political commitment to the Code and Guidance and implement the import and export control provisions.
46. States should periodically verify the accuracy of their National Point of Contact and IAEA should periodically ask for update of the list.

47. IAEA should develop a request for consent form, readily available for use for each of the six official languages of the IAEA, effectively creating six consent request forms from the current single model request for consent form.
48. IAEA should highlight the location, use and purpose of the new request for consent forms once created.
49. All States should complete and submit the Importing and Exporting State Questionnaire (Annex I of the 2012 Guidance) and should change occur with any element of the national regulatory framework, States should amend their responses and re-submit the Questionnaire to the IAEA.
50. The Guidance should be revised to emphasize the need for the exporting State to ensure that the source would be returned to the supplier in case of an export being authorized in exceptional circumstances, if the importing State does not have an end of life-cycle plan for the source.
51. A definition of Request for Consent should be included in the Definitions section of the Guidance to clarify that request for consent is not an authorization and serves to communicate that the importing State is willing to receive the source in their respective State.
52. The Guidance should be revised to bring greater clarity to the role and responsibilities of the point of contact specifically regarding the request for consent and the notification prior to shipment. It was further recommended that all points of contact assign a secondary point of contact to ensure continuity of communication during absence.

Chairman

T. Hayes