

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,996, 25 ta' Mejju, 2018*

*Taqsim A*

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## MALTA

### **ATT Nru XVIII tal-2018**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT biex jipprovdi għall-protezzjoni ta' individwi fil-ġenerazzjonijiet preżenti u futuri kontra l-effetti ħżiena ta' radjazzjoni jonizzanti u mhux jonizzanti u għas-sikurezza ta' sorsi ta' radjazzjoni u biex jintroduċi miżuri preventivi u protettivi ta' kontroll għall-esponiment tal-bniedem għal radjazzjoni jonizzanti u mhux jonizzanti u kwistjonijiet konnessi magħhom jew anċillari għalihom**

### **ACT No. XVIII of 2018**

AN ACT enacted by the Parliament of Malta.

**AN ACT to make provision for the protection of individuals in current and future generations against the harmful effects of ionising and non-ionising radiation and for the safety of radiation sources and to introduce preventive and protective measures of control for human exposure to ionising and non-ionising radiation and matters connected therewith or ancillary thereto.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

25 ta' Mejju, 2018

**ATT Nru XVIII tal-2018**

*ATT biex jipprovi għall-protezzjoni ta' individwi fil-generazzjonijiet preżenti u futuri kontra l-effetti ħżiena ta' radjazzjoni jonizzanti u mhux jonizzanti u għas-sikurezza ta' sorsi ta' radjazzjoni u biex jintroduci miżuri preventivi u protettivi ta' kontroll għall-esponiment tal-bniedem għal radjazzjoni jonizzanti u mhux jonizzanti u kwistjonijiet konnessi magħhom jew anċillari għalihom.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħarġet b'liġi dan li ġej:-

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## Taqsim I - Preliminari

Titolu fil-qosor.

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2018 dwar is-Sikurezza Nukleari u l-Protezzjoni mir-Radjazzjoni.

Għan.

**2.** (1) L-għan ta' dan l-Att hu li:

(a) jippermetti l-użi benefiċjarji u ġustifikati ta' radjazzjoni jonizzanti u dik mhux jonizzanti;

(b) jipprovdi għal protezzjoni adegwata ta' nies fil-generazzjonijiet preżenti u futuri kontra l-ħsara tal-effetti ta' radjazzjoni jonizzanti u għas-sikurezza ta' sorsi ta' radjazzjoni;

(ċ) jipprovdi għall-protezzjoni fizika ta' materjal nukleari;

(d) jipprovdi mekkaniżmu li permezz tiegħu dawn l-għanijiet jintlaħqu permezz tat-twaqqif ta' Kummissjoni għal Protezzjoni mir-Radjazzjoni u tas-Segretarjat tiegħu hawn iżjed 'il quddiem imsejha "il-Kummissjoni" u "is-Segretarjat", li jaġixxu bħala l-awtorità nazzjonali kompetenti fil-qasam tas-sikurezza nukleari u protezzjoni mir-radjazzjoni.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), dan l-Att għandu japplika għal:

- (a) il-ġestjoni sikura programmata tal-iskart radjuattiv;
- (b) il-kundizzjonijiet għas-sigurtà tas-sorsi ta' radjazzjoni jonizzanti;
- (ċ) l-implimentazzjoni tar-rekwiżiti, inklużi iżda mhux biss, id-dispożizzjonijiet ta' xi att jew regolament, meħtieġa biex jagħtu effett lil xi trattat, konvenzjoni jew protokoll relatat mar-radjazzjoni jonizzanti, is-sikurezza u s-sigurtà nukleari u lil strumenti legali internazzjonali relatati li l-Gvern jaderixxi għalihom u jirratifika;
- (d) tagħmir, oġġetti u materjal li mhux nukleari speċifikati għar-rappurtar tal-esportazzjonijiet u l-importazzjonijiet skont l-Artikolu 2(a)(ix) tal-Protokoll Addizzjonali:

Iżda dan l-Att ma għandux japplika għal attivitajiet jew prattiki li jinvolvu esponimenti li ġew esklużi mill-kontroll regolatorju.

(3) Mingħajr preġudizzju għall-ġeneralità ta' dan l-artikolu l-għan ta' dan l-Att huwa wkoll li jiġu introdotti miżuri preventivi u protettivi ta' kontroll għall-esponiment detrimentali tal-bniedem għal radjazzjoni mhux jonizzanti kontra effetti bijoloġiċi magħrufa jew inkella anticipati li għandhom effetti detrimentali mentali, fiżiċi u, jew għall-benesseri ġenerali tan-nies esposti, kemm f'perjodu qasir jew fit-tul minn kwalunkwe faċilità jew apparat li jarmu dawn ir-raġġi.

**3.** F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx Tifsir. xort'oħra:

"applikant" tfisser persuna fiżika jew ġuridika li tapplika lis-Segretarjat billi tipprezenta applikazzjoni għall-għan li tinkiseb l-awtorizzazzjoni biex twettaq attivitajiet speċifiċi b'rabta ma' dan l-Att;

"approċċ gradat" tfisser metodu strutturat li permezz tiegħu l-istrettezza tal-kontroll li għandu jiġi applikat għal prodott jew proċess huwa proporzjonat mar-riskju;

"attività ta' xogħol" tfisser sekwenza ta' azzjonijiet magħmula mill-bniedem, li jinvolvu radjunuklidi naturali, li mhix immirata lejn l-ipproċessar u, jew estrazzjoni ta' dawn ir-radjonuklidi

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għal karatteristiċi radjuattivi, fissili jew fertili tagħhom;

"attivitajiet" tfisser il-produzzjoni, l-użu, l-importazzjoni u l-esportazzjoni ta' sorsi ta' radjazzjoni għall-użu industrijali, għar-riċerka u għal skopijiet mediċi; it-trasport ta' materjal radjuattiv; is-settjar, kostruzzjoni, kummissjoni, tħaddim u żarmar ta' faċilitajiet; attivitajiet ta' ġestjoni tal-iskart radjuattiv u riabilitazzjoni ta' sit;

"awtorizzazzjoni" tfisser l-għoti mis-Segretarjat ta' permess bil-miktub sabiex impriża twettaq attività speċifika u tista' tinkludi reġistrazzjoni jew liċenzja;

"*carers u comforters*" tfisser individwi li konxjament u volontarjament, jirċievu esponiment għal radjazzjoni jonizzanti billi jgħinu, aktar milli bħala parti mix-xogħol tagħhom, fl-appoġġ u l-kumdità ta' individwi soġġetti jew li jkunu ġew soġġetti għal esponiment mediku;

"*Chairperson*" tfisser iċ-*Chairperson* Mhux Eżekuttiv responsabbli għall-Kummissjoni u tinkludi l-Viċi *Chairperson* meta jaġixxi bħala *Chairperson* fil-każijiet fejn iċ-*Chairperson* ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu;

"dekummissjonar" tfisser il-passi kollha li jwasslu għall-helsien ta' faċilità, għajr faċilità tar-rimi, mill-kontroll regolatorju għajr li jikkonferma l-istat mhux kummissjonat tal-faċilità. Dawn il-passi jinkludu l-proċessi ta' dekontaminazzjoni u ż-żarmar;

"detentur ta' liċenzja" tfisser id-detentur ta' liċenzja kurrenti mogħtija għal attività jew Prattika li jkollu drittijiet u dmirijiet rikonoxxuti għall-attività jew Prattika, partikolarment fir-rigward tas-sikurezza u s-sigurtà;

"doża effettiva" tfisser is-somma tad-dożi ekwivalenti ppeżati mir-radjazzjoni jonizzanti fit-tessuti u organi tal-ġisem kollha mill-esponiment intern u estern;

"emergenza nukleari jew radjoloġika" tfisser emergenza fejn ikun hemm, jew titqies li hija, riskju minħabba:

(a) l-enerġija li tirriżulta minn reazzjoni ta' katina nukleari jew mit-tħassir tal-prodotti ta' reazzjoni ta' katina; jew

(b) l-esponiment għar-radjazzjoni;

"esklużjoni" tfisser l-esklużjoni intenzjonata ta' kategorija partikolari ta' esponiment mill-ambitu ta' dan l-Att fuq il-bażi li ma jkunx meqjus sugġett għal kontroll regolatorju;

"esponiment" tfisser l-att li tesponi jew il-kondizzjoni li tkun espost għal radjazzjoni jonizzanti jew mhux jonizzanti;

"esponiment mediku" tfisser esponiment soffert minn pazjenti jew individwi asintomatiċi bħala parti mid-dijanjozi jew trattament mediku jew dentali tagħhom stess, bir-radjazzjoni jonizzanti u intenzjonat għall-benefiċċju tas-saħħa tagħhom, kif ukoll l-esponiment imġarrab minn *carers* u *comforters* u minn voluntiera fir-riċerka medika jew bijomedika;

"esponiment okkupazzjonali" tfisser esponiment ta' haddiema, apprendisti u studenti, li jsir fil-kors tax-xogħol tagħhom b'radjazzjoni jonizzanti jew mhux jonizzanti;

"esponiment potenzjali" tfisser esponiment li ma jkunx mistenni li jsehh b'ċertezza iżda li jista' jirriżulta minn inċident fuq sors jew minhabba xi avveniment jew sekwenza ta' ġrajjet ta' natura probabilistika, inklużi hsarat fl-apparat u żbalji operattivi;

"esponiment tal-pubbliku" tfisser esponiment ta' individwi, eskluż kwalunkwe esponiment okkupazzjonali jew mediku;

"eżenzjoni" tfisser id-determinazzjoni mill-Kummissjoni li sors jew Prattika m'għandhomx għalfejn ikunu soġġetti għal xi wħud jew l-aspetti kollha tal-kontroll regolatorju fuq il-baži li l-esponiment u l-esponiment potenzjali minhabba s-sors jew il-prattika hi żgħira wisq sabiex tiġġustifika l-applikazzjoni ta' dawk l-aspetti tagħha jew li din hija l-aħjar għażla għal protezzjoni irrispettivament mil-livell attwali tad-dożi jew riskji kif speċifikat f'dan l-Att;

"faċilità nukleari" tfisser kwalunkwe faċilità fejn l-attivitajiet jew Prattiki li jutilizzaw materjal nukleari huma kondotti, inkluż impjant nukleari ta' enerġija, reattur tar-riċerka, tal-impjanti tal-fabbrikazzjoni tal-karburanti, faċilità ta' hażna għall-fjuwil użat, impjant ta' arrikkament, faċilità ta' proċessar mill-ġdid jew kwalunkwe faċilità oħra determinati mill-Kummissjoni. Għall-finijiet tal-applikazzjoni tas-salvagwardji tal-Aġenzija Internazzjonali għall-Enerġija Atomika, tfisser faċilità kif imfisser fil-Ftehim ta' Salvagwardji rilevanti bejn Malta u l-Aġenzija Internazzjonali għall-Enerġija Atomika;

"faċilitajiet" tfisser kull stallazzjoni li jkollha sors ta' radjazzjoni jonizzanti jew mhux jonizzanti;

"fjuwil użat" tfisser fjuwil nukleari li gie rradjat fi u mneħhi b' mod permanenti mill-qalba tar-reattur;

"Ftehim ta' Salvagwardji" tfisser il-Ftehim bejn l-Istati Membri tal-Unjoni Ewropea li m'għandhomx armi nukleari, il-Komunità Ewropea tal-Energija Atomika u l-Aġenzija Internazzjonali għall-Energija Atomika fl-implimentazzjoni tal-Artikolu III(1) u (4) tat-Trattat dwar in-*Non-Proliferation of Nuclear Weapons* (Ftehim 78/164 / Euratom) li daħal fis-seħħ għal Malta fl-1 Lulju 2007;

"għestjoni ta' skart radjuattiv" tfisser l-attivitajiet amministrattivi u operattivi kollha li jinvolvu t-tqandil, it-trattament minn qabel, it-trattament, il-kundizzjonar, it-trasport, il-ħżin u r-rimi ta' skart radjuattiv;

"haddiem" tfisser persuna impjegata jew individwu li jaħdem għal rasu li huwa soġġett għal esponiment jonizzanti jew mhux jonizzanti fuq ix-xogħol.

"ħsara nukleari" tfisser:

(a) ħsara minħabba mewt, korriment fiżiku, jew ksur ieħor għas-saħħa umana, telf jew ħsara lill-proprietà, li jseħħu jew li tkun konsegwenza ta' karatteristiċi radjuattivi jew kombinazzjoni ta' dawn il-karatteristiċi, ma' karatteristiċi velenużi, splussivi jew karatteristiċi perikolużi oħrajn ta' fjuwil nukleari jew prodotti radjuattivi jew skart li jinsabu fil-faċilità nukleari, jew materjal nukleari mibgħuta lil faċilità nukleari jew prodotti fil-faċilità jew li qed jintbagħtu barra minnha;

(b) ħsara minħabba mewt, korriment fiżiku, jew ksur ieħor għas-saħħa umana, telf jew ħsara lill-proprietà, li jseħħu jew li jkun konsegwenza ta' radjazzjoni jonizzanti oħra li toriġina minn kwalunkwe sors ta' radjazzjoni ieħor fil-faċilità nukleari;

"impriża" tfisser persuna fiżika jew ġuridika li għandha r-responsabbiltà legali taħt il-liġi nazzjonali għat-twertiq ta' Prattika, jew għal radjazzjoni, sew jekk jonizzanti, jew sors mhux jonizzanti (inklużi każijiet fejn is-sid jew id-detentur ta' sors ta' radjazzjoni ma jwettaqx attivitajiet umani relatati);

"inċident" tfisser kull okkorrenza mhux maħsuba, inklużi żbalji ta' tħaddim, ħsarat fl-apparat u inċidenti oħra, fejn il-konsegwenzi jew il-konsegwenzi potenzjali tagħhom ma jkunux neglijabbli mill-aspett ta' protezzjoni jew sigurtà mir-radjazzjoni;

"intervent" tfisser kull azzjoni intenzjonata sabiex jitnaqqsu jew jiġu evitati l-esponiment jew il-probabbiltà ta' esponiment għal sorsi li mhumiex parti ta' Prattika kontrollata jew li

huma barra mill-kontroll bħala konsegwenza ta' inċident;

"konformità" tfisser konformità mar-rekwiziti ta' dan l-Att jew ta' regolamenti magħmulin tahtu;

"kontroll regolatorju" tfisser kwalunkwe forma ta' kontroll jew ta' regolamentazzjoni applikati mis-Segretarjat għal faċilitajiet jew attivitajiet, għar-raġunijiet relatati mal-protezzjoni mir-radjazzjoni jew għas-sikurezza ta' sorsi ta' radjazzjoni, jew is-sikurezza ta' sorsi radjuattivi;

"kultura ta' sigurtà" tfisser karatteristiċi u attitudnijiet fl-organizzazzjonijiet u tal-individwi li jistabbilixxu li l-kwistjonijiet ta' sigurtà jirċievu l-attenzjoni ġustifikata mis-sinifikat tagħhom;

"kultura ta' sikurezza" tfisser il-ġbir tal-karatteristiċi u tal-attitudnijiet f'organizzazzjonijiet u individwi li tistabbilixxi li, bħala prijorità dominanti, kwistjonijiet ta' protezzjoni u ta' sikurezza jirċievu l-attenzjoni li tkun ġustifikata mill-importanza tagħhom. Kultura ta' sikurezza tinkludi:

(a) impenn individwali u kollettiv għas-sikurezza min-naħa tat-tmexxija, l-amministrazzjoni u l-persunal fil-livelli kollha;

(b) ir-responsabilità tal-organizzazzjonijiet u tal-individwi fil-livelli kollha għas-sikurezza; u

(ċ) miżuri biex jinkoraġġixxu attitudni ta' interrogazzjoni u ta' tagħlim u li jiskuraġġixxu kompjaċenza fir-rigward tas-sikurezza;

"Kummissjoni" tfisser il-Kummissjoni għall-Protezzjoni mir-Radjazzjoni Jonizzanti u Mhux Jonizzanti kif imfisser fl-artikolu 10;

"liċenzja" tfisser dokument legali maħruġ mis-Segretarjat sabiex jagħti awtorizzazzjoni biex jitwettqu attivitajiet speċifiċi relatati ma' faċilità jew attività;

"livell ta' eżenzjoni" tfisser valur, stabbilit mill-Kummissjoni u espress f'termini ta' koncentrazzjoni tal-attività, attività totali li fil-limitu jew inqas tiegħu sors ta' radjazzjoni jonizzanti m'għandux għalfejn ikun soġġett għal notifika jew awtorizzazzjoni;

"livell ta' permess" tfisser valur, stabbilit mill-Kummissjoni u espress f'termini ta' koncentrazzjoni tal-attività, li fil-

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limitu tagħha jew inqas il-kontroll regolatorju jista' jitneħha minn sors ta' radjazzjoni fi prattika notifikata jew awtorizzata;

"livell ta' referenza" tfisser livell ta' esponiment għal radjazzjoni jonizzanti jew mhux jonizzanti pprovdut għall-għanijiet prattiċi ta' valutazzjoni ta' esponiment sabiex jiġi determinat jekk ir-restrizzjonijiet bażiċi x'aktarx jiġu maqbuża;

"materjal nukleari" tfisser uranju u torju ta' struttura isotopika naturali, uranju b'izotopu 235 imnaqqas (uranju mdgħajjef), jew b'kontenut ta' izotopu 235 miżjud, uranju ta' struttura isotopika 233, plutonju 239 u isotopi itqal tiegħu, il-prodotti industrijali jew prodotti magħmula minn tali sustanzi, kif ukoll sustanzi oħra stabbiliti mill-Kummissjoni. Għall-finijiet tal-applikazzjoni ta' salvagwardji tal-Aġenzija Internazzjonali tal-Energija Atomika, tfisser kwalunkwe materjal speċjali fissjonabbli jew sors materjali kif imfisser fil-Ftehim ta' Salvagwardji rilevanti bejn Malta u l-Aġenzija Internazzjonali għall-Energija Atomika; m'għandhiex tkun interpretata li tapplika għal minerali jew fdalijiet ta' minerali;

"materjal radjuattiv" tfisser materjal (solidu, likwidu, jew gass), li spontanjament jemetti radjazzjoni, inkluż materjal prodott minn aċċeleratur, materjal prodott b'mod sekondarju, materjal naturali, sors u materjal speċjali nukleari;

"materjal tas-sors" tinkludi:

- (a) uranju li fih taħlita izotopika li tidher fin-natura,
- (b) uranju mdgħajjef f'izotopu 235,
- (ċ) torju,
- (d) xi wieħed mill-materjali msemmija fil-forma ta' metall, liga, kompost kimiku, jew konċentrat, u
- (e) kwalunkwe materjal ta' sustanza oħra li jkun fih wieħed jew iktar mill-elementi msemmija hawn fuq ma' livell ta' konċentrazzjoni stabbilita mill-Kummissjoni;

"Ministru" tfisser il-Ministru responsabbli għall-kwistjonijiet relatati ma' u incidentali għal dan l-Att u dak il-Ministru m'għandux ikollu taħt ir-responsabbiltà tiegħu xi forma ta' faċilità ta' jew sors ta' radjazzjoni jonizzanti jew mhux jonizzanti;

"notifika" tfisser dokument sottomess lis-Segretarjat minn impriża li jinnotifika l-intenzjoni sabiex titwettaq prattika jew użu ieħor ta' sors;

"permess" tfisser it-tneħħija tal-kontroll regolatorju mis-Segretarjat wara konsultazzjoni mal-Kummissjoni minn materjal radjuattiv jew oġġetti radjuattivi taħt prattiċi notifikati jew awtorizzati;

"prattika" tfisser kwalunkwe attività tal-bniedem li tintroduċi sorsi addizzjonali ta' esponiment jew mogħdijiet ta' esponiment jew testendi l-esponiment għal persuni addizzjonali jew timmodifika n-netwerk ta' mogħdijiet ta' esponiment minn sorsi eżistenti b'mod li jżid l-esponiment jew il-probabbiltà ta' esponiment ta' nies jew in-numru ta' nies esposti;

"programm ta' ħarsien mir-radjazzjoni" tfisser l-arranġamenti sistematiċi li jkunu mmirati li jipprovdu konsiderazzjoni adegwata ta' protezzjoni mir-radjazzjoni;

"protezzjoni mir-radjazzjoni" tfisser protezzjoni tan-nies mill-effetti ħżiena ta' esponiment għal radjazzjoni jonizzanti jew mhux jonizzanti, u l-mezzi biex tintlaħaq din il-protezzjoni;

"Protokoll Addizzjonali" tfisser il-Protokoll Addizzjonali għall-Ftehim tas-Salvagwardji, li daħal fis-seħħ għal Malta fl-1 Lulju 2007;

"provditur ta' servizz tekniku" tfisser fornituri ta' servizzi fis-sikurezza, li jipprovdu jew servizzi konsulenza u manutenzjoni jew servizzi ta' kalibrazzjoni u testjar;

"pubbliku" tfisser kull min mhuwiex haddiem jew pazjent taħt kura medika;

"radjazzjoni" tirreferi għal radjazzjoni jonizzanti jew mhux jonizzanti;

"radjazzjoni jonizzanti" tfisser l-enerġija trasferita fil-forma ta' partiċelli jew mewġ elettromanjetiku ta' *wavelength* ta' 100 nanometru jew inqas kapaċi li tipproduċi jonji b'mod dirett jew indirett;

"radjazzjoni mhux jonizzanti" tfisser l-enerġija trasferita fil-forma ta' mewġ elettromanjetiku ta' *wavelength* b'tul akbar minn 100 nanometru u li mhix kapaċi tipproduċi jonji b'mod dirett jew indirett;

"reġistrazzjoni" tfisser forma ta' awtorizzazzjoni għal prattiki ta' riskju baxx, permezz ta' proċedura simplifikata biex titwettaq prattika;

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"rimi" tfisser it-tqegħid ta' skart radjuattiv f'faċilità xierqa mingħajr l-intenzjoni li jiġi rkuprat;

"Segretarjat" tfisser is-Segretarjat tal-Kummissjoni kif stabbilit bl-artikolu 12;

"Segretarju Eżekuttiv" tfisser is-segretarju responsabbli għall-organizzazzjoni xierqa u effiċjenti tas-Segretarjat;

"sid" tfisser il-persuna jew kumpanija li tippossjedi, jew hija responsabbli għal, il-hidma ta' stallazzjoni li tarmi radjazzjoni jonizzanti u mhux jonizzanti fl-ambjent jew post tax-xogħol;

"sigurtà" tfisser il-prevenzjoni u l-kxif ta', u r-rispons għal, serq, sabutaġġ, aċċess mhux awtorizzat, it-trasferiment illegali jew atti malizzjużi oħra li jinvolvu materjal nukleari jew radjuattivi oħrajn, jew faċilitajiet assoċjati tagħhom;

"sikurezza" tfisser il-protezzjoni tan-nies u tal-ambjent kontra r-riskji tar-radjazzjoni, u s-sikurezza ta' faċilitajiet u attivitajiet li jagħtu lok għal riskji tar-radjazzjoni;

"skart radjuattiv" tfisser materjal, fi kwalunkwe forma fiżika, li jibqa' mill-prattiki jew interventi u li għalihom mhux previst ebda użu ulterjuri -

(a) li fih jew ikun kontaminat b'sustanzi radjuattivi u għandu attività jew attività ta' konċentrazzjoni oġġla mil-livell stabbilit għall-permess mir-rekwiżiti regolatorji, u

(b) li mhux eskluż li jkun hemm esponiment għalih taħt regolamenti applikabbli;

"sors" tfisser kwalunkwe haġa li tista' tikkawża esponiment għar-radjazzjoni - pereżempju billi tarmi radjazzjoni jonizzanti jew mhux jonizzanti jew billi tirrilaxxa sustanzi radjuattivi jew materjal u tista' tiġi ttrattata bħala entità waħda għall-finijiet ta' protezzjoni u ta' sikurezza;

"sors ta' radjazzjoni" tfisser ġeneratur tar-radjazzjoni jonizzanti, jew sors radjuattiv jew materjal radjuattiv ieħor barra ċ-ċikli tal-fjuwil nukleari ta' reatturi ta' riċerka u l-enerġija;

"spezzjoni" tfisser l-eżami, l-osservazzjoni, il-kejl, jew it-test imwettqa biex jiġu evalwati strutturi, komponenti, u materjali, kif ukoll attivitajiet operattivi, proċessi tekniċi, proċessi organizzattivi, proċeduri, u l-kompetenza tal-persunal;

"tagħmir" ifisser prodott manifatturat li jipproduċi radjazzjoni jonizzanti jew mhux jonizzanti;

"trasport" tfisser l-operazzjonijiet kollha u kondizzjonijiet assoċjati ma' u involuti fil-moviment ta' materjal nukleari jew materjal radjuattiv ieħor. Dan jinkludi d-disinn, manifattura, manutenzjoni u tiswija tal-ippakkjar, u t-tħejjija, kunsinna, it-tagħbija, trasport inkluż hażna fi tranżitu, hażna u l-wasla fid-destinazzjoni finali ta' tagħbijiet u pakketti ta' materjal bħal dan;

"Tribunal" tfisser it-Tribunal tal-Appell kif imsemmi fl-artikolu 14;

"uffiċjal pubbliku" għandha l-istess tifsira bħal dik mogħti lilha bl-artikolu 124 tal-Kostituzzjoni, iżda ma tinkludix Imħallef tal-Qrati Superjuri jew Maġistrat tal-Qrati Inferjuri;

4. (1) Dan l-Att għandu japplika għall-prattiċi u l-attivitajiet ta' xogħol kollha li jinvolve riskju minn radjazzjoni jonizzanti li tiġi minn sors artifiċjali jew minn sors ta' radjazzjoni naturali f'każijiet fejn radjunuklidi naturali huma jew ġew ipproċessati minhabba l-karatteristiċi radjuattivi, fissili jew fertili, jiġifieri:

Applikabilità.

(a) il-manifattura, il-produzzjoni, l-ipproċessar, l-immaniġġar, ir-rimi, l-użu, iż-żamma, il-ħażna, it-trasport, l-importazzjoni lejn u esportazzjoni minn Malta ta' provvisti, it-transitu mit-territorju Malti u r-rimi ta' sustanzi radjuattivi;

(b) il-manifattura u t-tħaddim ta' kwalunkwe tagħmir elettriku li jarmi radjazzjoni jonizzanti u li jkun fih komponenti li jaħdmu b'differenza potenzjali ta' aktar minn 5kV;

(ċ) attivitajiet umani li jinvolve l-preżenza ta' sorsi ta' radjazzjoni naturali li jwasslu għal żieda sinifikanti fl-esponiment tal-ħaddiema jew membri tal-pubbliku;

(d) waqfien jew twaqqif ta' Prattika jew attività ta' xogħol li jinvolve sustanzi radjoattivi u mezzi li jipproduċu radjazzjoni u huma użati għal għanijiet industrijali, mediċi, agrikoli, ta' ricerka, u skopijiet edukattivi;

(e) kull attività oħra ta' Prattika jew ta' xogħol speċifikati minn żmien għal żmien mill-Kummissjoni.

(2) Dan l-Att għandu japplika għal materjal nukleari użat għal skopijiet paċifiċi waqt trasport internazzjonali, u kif applikabbli għall-użu domestiku, hażna u trasport.

(3) Dan l-Att għandu japplika wkoll għal attivitajiet ta' xogħol li mhumiex koperti bis-subartikolu (1) iżda li jinvolvu l-preżenza ta' sorsi ta' radjazzjoni naturali u jistgħu jwasslu għal żieda sinifikanti fl-esponiment tal-ħaddiema jew membri tal-pubbliku li ma jistgħax jiġi injorat mil-lat tal-protezzjoni mir-radjazzjoni.

(4) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-artikolu, dan l-Att għandu japplikaw ukoll għal kwalunkwe intervent f'każijiet ta' emergenzi radjoloġiċi jew f'każijiet ta' esponiment deġġiem li jirriżulta mill-effetti ta' wara ta' emergenza radjoloġika jew prattika tal-passat jew qadima jew attività ta' xogħol qadima.

(5) Mingħajr preġudizzju għall-ġeneralità ta' dan l-artikolu u d-dispożizzjonijiet ta' dan l-Att u kull regolament magħmul tahtu, dan l-Att għandu japplika għal kull faċilità jew makkinarju li minnhom toħroġ radjazzjoni mhux jonizzanti li l-Kummissjoni tispesifika:

Iżda, bla ħsara għall-ġeneralità tad-dispożizzjonijiet ta' dan l-artikolu, is-subartikoli (2), (3), (4), u (5) għandhom japplikaw *mutatis mutandis* għall-attivitajiet imwettqa minn kwalunkwe membru tal-forzi dixxiplinati, u l-ekwipaġġ ta' bastimenti jew inġenji tal-ajru reġistrati f'Malta.

(6) Dan l-Att għandu japplika wkoll għall-esponiment tal-ħaddiema jew tal-membri tal-pubbliku għar-radon fuq ġewwa, l-esponiment estern minn materjali tal-bini u każijiet ta' esponiment deġġiem li jirriżulta mill-effetti ta' wara xi emergenza jew ta' attività umana fil-passat.

(7) Dan l-Att ma għandux japplika għall-esponimenti assoċjati ma' sitwazzjonijiet li huma esklużi jew eżentati mill-Kummissjoni.

(8) Dan l-Att ma għandux japplika għall-apparat ta' radjokomunikazzjoni, jew *networks* ta' komunikazzjoni elettronika u servizzi li huma soġġetti għal rekwiziti ta' kwalunkwe ligi amministrata mill-Awtorità ta' Malta Dwar il-Komunikazzjoni.

## Taqsimha II - Principji Ġenerali ta' Protezzjoni kontra Radjazzjoni Jonizzanti u dik Mhux Jonizzanti

**5. (1)** Ir-responsabbiltà ewlenija għas-sikurezza u s-sigurtà ta' sorsi ta' radjazzjoni jonizzanti u ta' radjazzjoni mhux jonizzanti hija tal-impriża:

Iżda r-responsabbiltà ewlenija għas-sikurezza u s-sigurtà hija tad-detentur tal-liċenzja. Dik ir-responsabbiltà ma tistax tiġi

ddelegata u tinkludi r-responsabbiltà għall-attivitajiet tal-kuntratturi u appaltaturi li l-attivitajiet tagħhom jistgħu jaffettwaw is-sikurezza u s-sigurtà.

(2) L-imprizi għandhom jippromwovu kemm kultura ta' sikurezza kif ukoll kultura ta' sigurtà fi hdan l-organizzazzjoni tagħhom.

**6.** L-ebda prattika li tinvolvi esponiment għal radjazzjoni jonizzanti jew dik mhux jonizzanti ma għandha tiġi adottata jekk ma twassalx għall-benefiċċju biżżejjed għall-individwu espost jew għas-soċjetà billi tikkumpensa l-ħsara li tikkawża. Ġustifikazzjoni.

**7.** Esponiment għar-radjazzjoni jonizzanti u dik mhux jonizzanti għandu jinżamm baxx kemm raġonevolment possibbli, waqt li tingħata konsiderazzjoni għal fatturi ekonomiċi u soċjali. Ottimizzazzjoni.

**8.** (1) Għall-finijiet ta' dan l-Att ir-rakkomandazzjonijiet tal-Kummissjoni Internazzjonali dwar Protezzjoni mir-Radjazzjoni Mhux Jonizzanti fir-rigward Restrizzjonijiet Bażiċi u Livelli ta' Referenza fil-qasam elettromanjetiku għandhom jiġu adottati bħala l-limiti ta' esponiment rilevanti għall-oqsma elettromanjetiċi. Limiti ta' esponiment.

(2) Id-doża effettiva ta' radjazzjoni jonizzanti lill-individwi m'għandhiex taqbeż il-limiti ta' doża speċifikati mill-Kummissjoni kif imfisser fl-artikolu 10.

**9.** Approċċ iggradat għandu jiġi applikat mill-Kummissjoni u s-Segretarjat fit-twettiq tal-funzjonijiet tagħhom. Approċċ iggradat.

### Taqsimi III - Il-Qafas Regulatorju

**10.** (1) Għandha titwaqqaf Kummissjoni għall-protezzjoni minn radjazzjoni jonizzanti u dik mhux jonizzanti, hawn iżjed 'il quddiem imsejha "il-Kummissjoni", li għandha taġixxi bħala l-awtorità regulatorja fil-qasam tas-sikurezza nukleari u protezzjoni mir-radjazzjoni. Il-Kummissjoni għandha jkollha dawk il-funzjonijiet fir-rigward tal-istrutturi tagħha hekk kif huma stipulati f'dan l-Att u funzjonijiet oħra li jistgħu jiddevolvu fuqha taħt xi liġi oħra, jew li jistgħu jiġu assenjati lilha mill-Ministru. Funzjonijiet tal-Kummissjoni.

(2) Għandha tkun il-funzjoni tal-Kummissjoni li:

(a) tfassal u tistabilixxi politiki u strateġiji f'konsultazzjoni mal-Ministru li għandhom jiġu segwiti mis-Segretarjat, dwar il-protezzjoni kontra radjazzjoni jonizzanti u dik mhux jonizzanti u affarijiet oħra indirizzati mill-Att;

(b) tikkordina l-preparazzjoni ta' regolamenti li

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jirregolaw kwalunkwe kwistjoni li ssir b'konnessjoni ma' dan l-Att;

(ċ) taġixxi bħala korp ta' revizjoni ġenerali tas-Segretarjat;

(d) tipprovdri pariri lis-Segretarjat meta meħtieġa dwar l-interpretazzjoni tad-dispożizzjoni rilevanti f'dan l-Att;

(e) tkun il-korp nazzjonali li jagħti effett lil kull deċiżjoni tal-Kunsill tas-Sigurtà tan-NU jew l-Aġenzija Internazzjonali għall-Energija Atomika, il-Kummissjoni Ewropea jew entità jew awtorità kompetenti rikonoxxuta internazzjonalment fil-qasam tas-sikurezza nukleari u protezzjoni mir-radjazzjoni fejn hekk ordnat mill-Ministru;

(f) timplimenta r-rekwiżiti regolatorji ta' Konvenzjonijiet u leġiżlazzjoni oħra tal-UE fl-ambitu ta' dan l-Att:

Iżda l-Kummissjoni għandha tirregola l-proċeduri tagħha stess wara konsultazzjoni mas-Segretarjat u l-Ministru dwar il-kwistjonijiet kollha relatati mal-funzjonijiet tagħha fuq materji regolati b'dan l-Att;

(g) tippreskrivi l-miżati li għandhom jithallsu fir-rigward tal-ħruġ, il-validazzjoni, it-tiġdid, estensjoni jew varjazzjoni ta' kwalunkwe ċertifikat, liċenzja jew dokument ieħor jew it-teħid ta' xi eżami jew test meħtieġ b'dan l-Att jew b'xi regolamenti, direttiva jew ordni maħruġ tahtu u fir-rigward ta' kwalunkwe kwistjoni oħra li dwarhom ikun jidher lill-Kummissjoni li jkun spediti għall-finijiet tal-Att, regolamenti, direttiva jew ordni biex jintalbu miżati:

Iżda l-Kummissjoni tista' tahtar għal dan l-iskop, kumitati jew sottokumitati u tista' tinnomina fuq dawn il-kumitati jew sottokumitati persuni kompetenti minbarra mill-membri tagħha, li fil-fehma tal-Kummissjoni, għandhom għarfien professjonali jew espert fuq xi kwistjoni trattata taht dan l-Att; b'dan illi l-membri nominati ma jkollhomx vot dwar kull kwistjoni quddiem kumitat jew sottokumitat.

(3) Mingħajr preġudizzju għall-ġeneralità ta' dan l-artikolu, il-Kummissjoni tista' twettaq dik l-attività oħra li jidhrilha meħtieġa jew spediti għall-finijiet tal-funzjonijiet u l-oġettivi tagħha taht dan l-Att.

(4) Il-Kummissjoni għandha tikkonsisti minn *Chairperson* Mhux Eżekuttiv, Viċi *Chairperson*, u mhux aktar minn disa' membri.

(5) Il-Ministru għandu jahtar il-membri, bħala membri esperti fil-Kummissjoni, għal perjodu ta' tliet snin u dak il-perjodu jista' jiġi estiż għal perjodi oħra ta' tliet snin kull wieħed. Il-Kummissjoni għandha tkun magħmula kif ġej:

(a) membru wieħed fir-rigward ta' kwistjonijiet ta' saħħa u sikurezza okkupazzjonali;

(b) membru wieħed fir-rigward ta' kwistjonijiet ambjentali;

(c) membru wieħed fir-rigward tal-kwistjonijiet ta' saħħa pubblika;

(d) membru wieħed fir-rigward tal-kwistjonijiet tal-protezzjoni ċivili;

(e) membru wieħed fir-rigward tal-kwistjonijiet ta' trasport;

(f) membru wieħed fir-rigward tal-kwistjonijiet f'kamp elettromanjetiku;

(g) membru wieħed fir-rigward tal-kwistjonijiet tad-dwana;

(h) membru wieħed li jirrappreżenta s-soċjetà ċivili; u

(i) membru wieħed li jirrappreżenta s-settur tal-komunikazzjoni:

Iżda l-Ministru jista' jibdel il-kompożizzjoni tal-Kummissjoni sabiex jiġu riflessi l-esiġenzi regolatorji li jiżviluppaw minn żmien għal żmien, sakemm l-ebda membru m'għandu jkun responsabbli għall-użu ta' kwalunkwe forma ta' radjazzjoni jonizzanti jew dik mhux jonizzanti.

Il-Membri tal-Kummissjoni għandhom jithallew ikunu rappreżentati minn sostituti fil-laqgħat tal-Kummissjoni u kull sostitut bħal dawn għandu jkollu dritt tal-vot.

Is-Segretarju Eżekuttiv għandu jattendi għal-laqgħat kollha tal-Kummissjoni, iżda ma għandux ikollu dritt tal-vot.

(6) Iċ-*Chairperson* u l-Viċi *Chairperson* għandhom jinhatru

mill-Ministru għal perjodu ta' tliet snin u dak il-perjodu jista' jiġi estiż għal perjodi oħra ta' tliet snin kull wiehed:

Iżda meta *ċ-Chairperson* ikun assenti minn Malta jew ma jkunx temporanjament mod ieħor jista' jaqdi l-funzjonijiet ta' dik il-kariga, il-Viċi *Chairperson* għandu jassumi kull dover u l-funzjonijiet ta' *Chairperson*.

Tmexxija tal-affarijiet tal-Kummissjoni.

**11.** (1) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, l-affarijiet u x-xogħol tal-Kummissjoni għandhom ikunu ir-responsabbiltà tal-Kummissjoni nnifisha imma, għajr kif imsemmi qabel, l-aġir tal-Kummissjoni, l-amministrazzjoni u l-organizzazzjoni tagħha għandhom ikunu r-responsabbiltà ta' *Chairperson* tal-Kummissjoni, li jkollu dawk is-setgħat l-oħra li jistgħu minn żmien għal żmien jiġu ddelegati mill-Kummissjoni.

(2) *Ċ-Chairperson* għandu jattendi l-laqgħat kollha tal-Kummissjoni u għandu jkollu l-vot deċiżiv f'dawn il-laqgħat.

(3) *Ċ-Chairperson* għandu jkun responsabbli għall-implimentazzjoni tal-għanijiet u l-funzjonijiet tal-Kummissjoni. Mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, *Ċ-Chairperson* għandu jkun responsabbli sabiex jevalwa l-implimentazzjoni u t-twettiq tal-għanijiet stabbiliti mill-Kummissjoni u għandu jirrapporta direttament lill-Kummissjoni.

(4) Il-*quorum* għal-laqgħat tal-Kummissjoni għandu jkun kostitwit mill-preżenza ta' kwalunkwe erba' membri u *Ċ-Chairperson*.

(5) Il-Kummissjoni hija obbligata li tiltaqa' mill-inqas darba kull tliet xhur.

(6) Il-Kummissjoni għandha ttiprovdi rapport lill-Ministru dwar l-attivitajiet tagħha u l-attivitajiet tas-Segretarjat għal kull sena kalendarja mhux aktar tard mill-15 ta' April tas-sena ta' wara.

Is-Segretarjat.

**12.** (1) Għandu jitwaqqaf is-Segretarjat għall-Kummissjoni, hawn iżjed 'il quddiem imsejjaħ "is-Segretarjat", li għandu jaġixxi bħala l-eżekuttiv tal-awtorità regolatorja fil-qasam tas-sikurezza nukleari u protezzjoni mir-rad jazzjoni.

(2) Is-Segretarjat għandu jkollu dawk il-funzjonijiet kif jiddevolvu fuqu taht xi liġi oħra jew kif jista' jiġi assenjat bil-miktub mill-Ministru. Fil-każ li regolamenti oħra huma fis-seħħ li jirregolaw l-esponimenti okkupazzjonali, pubbliċi u mediċi, jew protezzjoni ambjentali u s-sigurtà tas-sorsi, li b'xi mod jindirizzaw l-użi tar-rad jazzjoni jonizzanti jew rad jazzjoni mhux jonizzanti, jew

kwalunkwe sustanza oħra li l-użu tagħha jew l-esponiment għaliha huma regolati b'dan l-Att, is-Segretarjat għandu jirrakkomanda lill-Kummissjoni, jekk tikkunsidra meħtieġ, biex tagħmel rakkomandazzjonijiet lill-Ministru għall-allokazzjoni mill-ġdid tar-responsabbiltà regolatorja għas-Segretarjat stess jew lil xi awtorità oħra kif is-Segretarjat, wara konsultazzjoni mal-Kummissjoni, jidhirlu xieraq.

(3) Tkun il-funzjoni tas-Segretarjat li:

(a) toħroġ l-awtorizzazzjonijiet u tagħti eżenzjonijiet li jikkonċernaw il-pussess u l-użu ta' sorsi ta' radjazzjoni;

(b) tispezzjona, timmonitorja u tevalwa attivitajiet u prattiki bil-għan li tivverifika l-konformità ma' dan l-Att, regolamenti applikabbli u t-termini u l-kondizzjonijiet ta' awtorizzazzjonijiet u, jew licenzji;

(ċ) iżżomm reġistru nazzjonali ta' sorsi ta' radjazzjoni u reġistru nazzjonali tal-imprizi;

(d) tiġbor id-*data* meħtieġa biex tippermetti evalwazzjoni tal-esponiment totali minn kull prattika u attivitajiet ta' xogħol f'Malta u inkluża d-distribuzzjoni tal-esponimenti okkupazzjonali u pubbliċi individwali għal kull tip ta' prattika, u biex jippermettu t-twaqqif ta' reġistru nazzjonali għall-esponimenti okkupazzjonali għar-radjazzjoni jonizzanti;

(e) tistabilixxi u żżomm sistema nazzjonali ta' kontabilità għal u kontroll ta' materjal nukleari u sistema nazzjonali għar-reġistrazzjoni ta' licenzji għall-materjal nukleari, u biex tistabilixxi r-rappurtar meħtieġ u żamma tar-reġistri u r-rekwiżiti skont il-Ftehim ta' Salvagwardji, u l-Protokoll Addizzjonali;

(f) tiżviluppa l-istrategiji meħtieġa għall-implimentazzjoni tal-objettivi tal-Kummissjoni;

(g) tagħti parir lill-Kummissjoni dwar kwalunkwe materja li tista' tirreferi jew dwar kwalunkwe kwistjoni li tikkunsidra meħtieġa jew spedjenti; u kwalunkwe dmir li l-Kummissjoni tista' tassinja minn żmien għal żmien;

(h) tipprovdi parir tekniku lill-Ministru jew entitajiet governattivi oħrajn; u

(i) twettaq kwalunkwe funzjoni oħra li hi meqjusa meħtieġa mill-Kummissjoni, biex tipproteġi lin-nies u l-ambjent

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ta' Malta.

(4) Minghajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att u ta' kull regolament magħmul taħtu, is-Segretarjat għandu, wara konsultazzjoni mal-Kummissjoni, jadotta r-regoli ta' proċedura li għandhom jirregolaw kull stadju tal-operazzjonijiet tiegħu.

(5) Is-Segretarjat għandu jkun responsabbli li jzomm il-proċedimenti msemmija fl-artikolu 12(3) u wkoll reġistru fejn is-sejbiet u d-deċiżjonijiet tas-Segretarjat għandhom jiddaħħlu.

Kompożizzjoni  
tas-Segretarjat.

**13.** (1) Il-Ministru għandu jahtar persuna biex taġixxi bhala s-Segretarju Eżekuttiv tas-Segretarjat, li għandu jkun responsabbli għall-organizzazzjoni xierqa u effiċjenti tas-Segretarjat.

(2) Is-Segretarju Eżekuttiv tas-Segretarjat għandu jzomm il-kariga għal perjodu ta' tliet snin u jista' jerga' jiġi maħtur mal-iskadenza tat-terminu:

Izda s-Segretarju Eżekuttiv għandu jibqa' fil-kariga mal-għeluq tat-terminu sakemm il-Ministru jinforma formalment lis-Segretarju Eżekuttiv bil-ħatra ta' sostitut.

(3) Is-Segretarju Eżekuttiv għandu jahtar uffiċjali pubbliċi u impjegati oħra bhala uffiċjali tas-Segretarjat taħt dawk il-pattijiet u kondizzjonijiet kif approvati mill-Kummissjoni.

Kap. 9.

(4) Għall-finijiet tal-Kodiċi Kriminali u ta' kull dispożizzjoni ta' xorta penali f'xi liġi oħra, il-membri tal-Kummissjoni, l-uffiċjali u l-impjegati tas-Segretarjat, għandhom jitqiesu li huma uffiċjali pubbliċi.

(5) Uffiċjal tas-Segretarjat għandu jinħariġlu mezz xieraq ta' identifikazzjoni ffirmat mis-Segretarju Eżekuttiv, u dak id-dokument għandu jkun muri fil-waqt ta' xi eżami, investigazzjoni jew spezzjoni:

Izda s-Segretarju Eżekuttiv għandu jitqies li jkun uffiċjal, u d-dokument ta' identifikazzjoni bhala uffiċjal għandu jiġi ffirmat miċ-*Chairperson*.

(6) Uffiċjali tas-Segretarjat għandu jkollhom is-setgħat li ġejjin:

(a) li jidhlu liberament u minghajr avviż minn qabel fi kwalunkwe attività, faċilità, Prattika jew kull post ieħor li hu meqjus li fih qed jitwettaq l-użu ta' attivitajiet illegali;

(b) li jitolbu l-assistenza ta' membru tal-Korp tal-

Pulizija fit-twettiq tad-dmirijiet tal-uffiċjal;

(c) li jistaqsu, wehidhom jew fil-preżenza ta' xhieda, inkluża l-persuna, jekk dan ikun il-każ, li ressqet ilment, lil kull min iħaddem jew ħaddiem, inkluża kull persuna li taġixxi għan-nom ta' xi prinċipal jew li twettaq xogħol għal dak il-prinċipal, dwar kwalunkwe waħda mill-kwistjonijiet li jaqgħu taħt dan l-Att jew taħt xi regolamenti magħmulin taħtu;

(d) li jispezzjonaw kull dokument li ż-żamma tiegħu hija meħtieġa b'dan l-Att jew b'xi regolament magħmul taħtu, jew xi ktieb, dokument, disinn, pjanta, jew lista ta' speċifikazzjonijiet tekniċi li jistgħu jagħtu ħjiel rigward is-sigurtà jonizzanti fuq kwalunkwe Prattika jew attività partikolari;

(e) jieħdu pussess, wara li jagħtu rċevuta tagħhom, ta' kwalunkwe oġġett meħtieġ għal testijiet jew bħala evidenza ta' kwalunkwe incident, korriment jew mard minn radjazzjoni jonizzanti jew ta' kwalunkwe allegat ksur ta' dan l-Att jew ta' regolamenti magħmulin taħtu;

(f) li jeżaminaw jew jaraw li jsir l-eżami ta' kull Prattika jew attività u ta' kull oġġett hemmhekk, u li jieħdu kampjuni għall-eżami ta' xi oġġett, sustanza jew materjal li jinstabu fi kwalunkwe post tax-xogħol jew fi ħdan il-konfini tiegħu għall-finijiet ta' protezzjoni mir-radjazzjoni, u biex ikun żgurati li dawn il-kampjuni huma ppreservati għall-użu bħala evidenza fi kwalunkwe proċedimenti meħuda skont dan l-Att;

(g) li jordnaw li xejn ma jkun mittiefes fi Prattika jew attività għal kwalunkwe perjodu li jista' jkun raġonevolment meħtieġ għall-finijiet ta' kull eżami, investigazzjoni jew spezzjoni msemmija fil-paragrafi ta' qabel;

(h) li jitolbu l-operazzjoni jew li jibda jithaddem xi tagħmir, magna, apparat, oġġett jew proċess, kif ukoll it-tħaddim ta' kwalunkwe sistema jew proċedura li, fil-fehma tal-uffiċjal, jista' jkun rilevanti għal kull eżami, investigazzjoni jew spezzjoni msemmija fil-paragrafi (a) sa (e);

(i) li jirrikjedu li kwalunkwe impriża tipprovdi bi spejjeż għaliha:

(i) ċertifikat iffirmit minn persuni bi kwalifiki xierqa fir-rigward tas-sigurtà tar-radjazzjoni ta' kwalunkwe bini jew struttura, inkluża kwalunkwe struttura

provviżorja;

(ii) ċertifikat iffirmat minn persuni bi kwalifiki xierqa fir-rigward tas-sigurtà tar-radjazzjoni ta' kwalunkwe tagħmir li jipproduċi radjazzjoni, kif ikun il-każ;

(iii) ċertifikat iffirmat minn tabib relatat mas-sorveljanza medika ta' kull haddiem jew xi klassi ta' haddiema, li għandu jiġi pprezentat lill-Kummissjoni;

(iv) kwalunkwe informazzjoni relattiva għall-protezzjoni mir-radjazzjoni, inkluża informazzjoni li tirreferi għal miżuri protettivi;

(j) li jirrikjedu lil kwalunkwe impriża, aġent, manifattur, importatur, fornitur, utent jew persuna oħra li jipprovdu bi spejjeż tagħhom kull dokument, ċertifikat jew lista ta' speċifikazzjonijiet tekniċi fir-rigward ta' xi materja dwar il-protezzjoni mir-radjazzjoni, il-metodu ta' mmanigġar jew l-użu ta' kwalunkwe radjazzjoni prodotta minn tagħmir, makkinarju, oġġett, sustanza jew kimika li jintużaw jew huma intiżi li jintużaw; u

(k) għall-finijiet ta' prosekuzzjoni għal xi reat taht dan l-Att, jew għall-finijiet ta' kull appell lit-Tribunal tal-Appelli kontra ordni minn uffiċjal, li jiżvelaw lill-Qorti jew lit-Tribunal tal-Appelli tali riżultati jew l-informazzjoni riċevuta jew miġbura matul il-kors tal-investigazzjonijiet.

(7) Ma għandu jkun hemm jew tiġi intavolata ebda azzjoni, dixxiplinarja jew mod ieħor, jew proċediment ieħor għal ħsarat, kontra s-Segretarju Eżekuttiv, jew kontra uffiċjal għal att magħmul jew li naqas milli jsir minnhom *bona fide* fit-twertiq jew fil-ħsieb tat-twertiq ta' kull setgħa, dritt jew dmir skont dan l-Att jew xi regolament magħmul tahtu.

Tribunal tal-Appelli.

**14.** (1) B'dan qed jitwaqqaf tribunal li jkun magħruf bħala t-Tribunal tal-Appelli tal-Protezzjoni mir-Radjazzjoni, hawn iżjed 'il quddiem msejjaħ "it-Tribunal tal-Appelli" biex jisma' u jiddeċiedi dwar appelli minn kwalunkwe deċiżjoni meħuda mis-Segretarjat.

(2) Hlief kif previst xort'oħra f'dan l-artikolu, it-Tribunal tal-Appelli għandu jikkonsisti minn President tat-Tribunal tal-Appelli u żewġ membri li għandhom jinhatru kif ġej:

(a) il-President tat-Tribunal tal-Appelli għandu jkun wieħed minn *panel* ta' persuni maħtura mill-Ministru, li jkunu

persuni li jkunu avukati b'tal-anqas seba' (7) snin esperjenza u dawk il-persuni għandhom iservu bħala President jew darba kull wiehed jew skont it-tqassim ta' dmirijiet, u bla ħsara għal dawk id-dispożizzjonijiet dwar inabbiltà li jservu u ċirkostanzi oħra, kif il-persuni fuq l-imsemmi *panel* jistgħu jistabbilixxu bl-approvazzjoni tal-Prim Ministru;

(b) il-membri l-oħra tat-Tribunal tal-Appelli għandhom jintgħażlu mill-President tat-Tribunal tal-Appelli minn lista ta' persuni li la huma avukati u lanqas prokuraturi legali, maħtura mill-Ministru biex iservu bħala membri tal-Tribunal tal-Appelli kif tehtieg l-okkażjoni.

(3) Ebda membru jew uffiċjal ta' xi Kummissjoni ma jista' jinħatar fuq it-Tribunal tal-Appelli.

(4) L-ismijiet ta' persuni maħtura biex iservu bħala Presidenti jew bħala membri tat-Tribunal tal-Appelli għandhom ikunu notifikati fil-Gazzetta.

(5) It-Tribunal tal-Appelli għandu jikkonsisti minn President u żewġ membri kull meta l-appell jirrigwarda:

(a) ordni li għandha x'taqsam ma' twaqqif totali ta' post tax-xogħol; jew

(b) ordnijiet li għandhom x'jaqsmu mal-projbizzjoni tal-użu ta' kwalunkwe tagħmir, impjant, jew faċilità li, kieku l-ordni tiġi implimentata, iwasslu għall-waqfien tal-attivitajiet kollha ta' xogħol; jew

(ċ) l-appelli minn partijiet terzi li jinvolvu t-twaqqif b'mod sħiħ ta' post tax-xogħol jew il-waqfien tal-attivitajiet kollha ta' xogħol.

(6) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (5), it-Tribunal tal-Appelli għandu jkun magħmul mill-President waħdu bil-kundizzjoni li kull wiehed u waħda mill-partijiet tista' titlob li l-appell jinstema' minn Tribunal tal-Appelli magħmul mill-President u żewġ membri, u dawn it-talbiet għandhom jiġu deċiżi mill-President waħdu matul l-istadji preliminari tal-appell kif jista' jiġi preskritt b'regolamenti li l-Ministru jista' jagħmel bis-saħħa tas-subartikolu (11).

(7) Il-President għandu jkollu d-dritt li jamministra l-gurament u jeżamina x-xhieda.

(8) It-Tribunal tal-Appelli għandu jkollu d-dritt li jfittex parir

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ta' esperti kif jidhirlu xieraq.

(9) Il-Ministru jista' minn żmien għal żmien ivarja l-kompożizzjoni tal-listi kif previst f'dan l-artikolu, iżda persuna li tkun attwalment qed isservi bħala membru tat-Tribunal tal-Appelli għandha, minkejja t-tneħħija ta' isimha mill-*panel*, tkompli taqdi fil-proċedimenti bħala membru sakemm jintemmu dawk il-proċedimenti u għall-finijiet tal-interpretazzjoni ta' xi deċiżjoni mogħtija fihom:

Iżda fil-każ tal-mewt jew impossibbiltà oħra tat-tali membru li jkompli smiġh bhal dan, persuna oħra għandha tkun surrogata mill-*panel* eżistenti biex tisma' l-każ.

(10) Il-Ministru għandu wkoll jahtar persuna sabiex taġixxi bħala segretarju tat-Tribunal tal-Appelli.

(11) Il-Ministru jista' jagħmel regolamenti li jippreskrivu l-proċedura li għandha tintuża għal appell li jsir lis-Segretarju tat-Tribunal tal-Appelli u li jirregolaw il-proċedura li għandha tintuża mit-Tribunal tal-Appelli.

Taqsimu IV - Notifika, awtorizzazzjoni, spezzjoni, infurzar u pieni

Notifika.

**15.** (1) Kull persuna li għandha l-intenzjoni li tadotta jew tintroduċi, twettaq, twaqqaf jew tieqaf milli topera Prattika jew attività ta' xogħol li tinvolvi l-użu ta' radjazzjoni jonizzanti, kif ukoll tiddisinja, timmanifattura, tibni jew timmonta, takkwista, timporta jew tesporta, tqassam, tbigh, tislef jew tikri, tippossjedi, talloka, tikkummissjona, tuża u topera, iżzomm jew issewwi, tittrasferixxi jew tiddiżattiva, iżżarma, tittrasporta, taħžen jew tiddisponi minn materjal radjoattiv, kif applikabbli, fi Prattika jew f'attività ta' xogħol, għandha tippreżenta lis-Segretarjat notifika formali bil-miktub dwar il-ħsieb li tagħmel dan billi tagħti l-informazzjoni kollha meħtieġa fil-limiti taż-żmien mitluba mis-Segretarjat.

(2) Kull persuna li għandha l-intenzjoni li tadotta jew tintroduċi, twettaq, twaqqaf jew tieqaf milli topera Prattika jew attività ta' xogħol li tinvolvi l-użu ta' radjazzjoni mhux jonizzanti li tirrikjedi n-notifika kif speċifikat mill-Kummissjoni bis-saħħa tal-artikolu 4(5) għandha tissottometti lis-Segretarjat notifika formali bil-miktub dwar il-ħsieb li tagħmel dan billi tagħti l-informazzjoni kollha meħtieġa fil-limiti taż-żmien mitluba mis-Segretarjat.

(3) Meta tiġi sottomessa notifika formali bil-miktub jew talba formali għal awtorizzazzjoni, meta jkun xieraq is-Segretarjat jista' jitlob garanzija monetarja bħala sigurtà:

Iżda s-Segretarjat għandu jiddikjara bil-miktub ir-

ragunijiet għaliex hu kkunsidra l-ħtieġa li tiġi imposta tali garanzija monetarja u l-proċess ta' kwantifikazzjoni tat-tali garanzija monetarja.

**16.** (1) L-ebda attività m'għandha tiġi introdotta, implimentata, tispiċċa jew titwaqqaf, u l-ebda sors m'għandu jkun iddisinjat, prodott, mibni jew immuntat, mixtri, importat jew esportat, imqassam, mibjugħ, misluf jew mikri, ipposedut, allokat, imqiegħed fl-operazzjoni, użat jew operat, mantnut jew imsewwi, trasferit, trasportat jew dekommissjonat, żarmat, maħzun jew mormi, jekk mhux konformi mad-dispożizzjonijiet rilevanti dwar is-sikurezza tas-sorsi tar-radjazzjoni u, jew rekwiziti oħra stabbiliti b'dan l-Att. Awtorizzazzjoni

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1), il-projbizzjoni ta' azzjoni għandha tkun fis-seħħ sa meta l-esponiment għar-radjazzjoni, jew ħruġ ta' radjazzjoni mhux jonizzanti minn tali operazzjoni jew sors, ikunu esklużi mir-regolament rilevanti, jew sakemm is-Segretarjat jeskludi tali operazzjoni jew sors mill-kontroll regolatorju, inkluzi talbiet ta' notifika u ta' awtorizzazzjoni.

(3) Bla ħsara għad-dispożizzjonijiet tas-subartikoli (1) u (2) hadd ma jista' jkollu fil-pussess tiegħu sors ta' radjazzjoni jew iwettaq prattika li tinvolvi xi sors ta' radjazzjoni jonizzanti mingħajr awtorizzazzjoni mis-Segretarjat.

(4) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (2) hadd ma jista' jkollu fil-pussess tiegħu sors ta' radjazzjoni mhux jonizzanti kif speċifikat mill-Kummissjoni bis-saħħa tal-artikolu 4(5) jew iwettaq prattika li tinvolvi t-tali sorsi mingħajr awtorizzazzjoni mis-Segretarjat:

Iżda s-Segretarjat jista' joħroġ awtorizzazzjonijiet fi stadji. F'każijiet bħal dawn, qabel il-ħruġ ta' awtorizzazzjoni fi stadji, kull stadju preċedenti u komplut għandu jkun soġġett għal reviżjoni shiħa u evalwazzjoni.

**17.** Kull liċenzja jew awtorizzazzjoni maħruġa skont dan l-Att tista' tiġi sospiża, modifikata jew revokata mis-Segretarjat fil-każ ta' ksur ta' kundizzjonijiet, meta l-kundizzjonijiet li taħthom tkun inharget ma jibqgħux sodisfatti, jew fi kwalunkwe ċirkustanza fejn is-Segretarjat jiddetermina li l-attività kontinwata taħt il-liċenzja jew l-awtorizzazzjoni tista' toħloq riskju inaċċettabbli għall-persuni jew għall-ambjent. Sospensjoni,  
modifika,  
revoka ta'  
liċenzja jew  
awtorizzazzjoni.

**18.** (1) Kull persuna jew entità liċenzjata jew awtorizzata biex twettaq attività jew prattika għandu jkollha r-responsabbiltà primarja għat-tmexxija sikura u sigura ta' dik l-attività jew prattika u sabiex li tiżgura konformità ma' dan l-Att u rekwiziti u Responsabbiltà  
primarja.

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kondizzjonijiet regolatorji kollha applikabbli tal-liċenzja jew l-awtorizzazzjoni relatata ma' dik l-attività jew prattika.

(2) Id-detentur ta' liċenza għandu jkun responsabbli għall-immanigġar sikur tal-iskart radjuattiv li jirrizulta mill-prattika li tinvolvi sors radjuattiv.

Infurzar.

**19.** (1) Is-Segretarjat għandu jkollu l-awtorità li jwettaq spezzjonijiet imħabbra u mhux imħabbra u li jwettaq kull eżami ieħor li jista' jkun meħtieġ sabiex tiġi vverifikata l-konformità mad-dispożizzjonijiet ta' dan l-Att, regolamenti applikabbli u kwalunkwe kundizzjoni applikabbli tal-liċenzja jew awtorizzazzjonijiet.

(2) F'każijiet ta' periklu immedjat tas-sikurezza jew ta' sigurtà għall-persuni jew għall-ambjent, is-Segretarjat jista' jitlob lill-persuna jew entità suġġetta għall-azzjoni ta' infurzar biex tissospendi l-attivitàjiet tagħha, jew partijiet minnhom sakemm is-sitwazzjoni tkun ġiet ikkoreġuta. F'każijiet bħal dawn, is-Segretarjat jista' wkoll jissospendi, jirrevoka jew jimmodifika t-termini u kondizzjonijiet tal-liċenzja jew l-awtorizzazzjoni.

(3) F'każijiet ta' persistenza jew nuqqas gravi ta' konformità ma' jew ksur tat-termini u l-kondizzjonijiet ta' awtorizzazzjoni jew ta' liċenzja jew f'każijiet ta' rilaxx sinifikanti ta' materjal radjuattiv fl-ambjent, is-Segretarjat jista' jirrevoka l-awtorizzazzjoni jew il-liċenzja u jesigi li l-persuna liċenzjata tirrimedja kwalunkwe kondizzjoni mhux sikura.

(4) Ebda persuna ma tista' thedded, tinsulta, timmolesta jew tfixxkel spetturi waqt it-tweqqif tad-dmirijiet tagħhom, jew xjentement tagħti lil xi uffiċjal informazzjoni falza, jew tkisser jew tbaġħbas xi sigill li jkun ġie magħmul, jew xi apparat ta' sorveljanza li jkun ġie stallat, li jkun ġie mqieghed jew thalla minn uffiċjal f'xi post tax-xogħol jew, f'każ ta' apparat ta' sorveljanza personali, fuq xi haddiem.

Setgħat tas-Segretarjat.

**20.** (1) Kull uffiċjal tas-Segretarjat jista' jagħti ordni, bil-fomm jew bil-miktub, u kull persuna għandha tobdi dik l-ordni minnufih sakemm it-tali ordni tkun revokata mis-Segretarjat jew mit-Tribunal tal-Appelli:

Iżda l-persuna li tirċievi l-ordni, kemm jekk dik il-persuna tkun haddiem jew impriza, tista' tiddefendi lilha nnifisha mill-akkuża li kisret l-ordni jekk tagħti prova li l-konformità mal-ordni kienet tikkostitwixxi ksur taħt dan l-Att:

Iżda wkoll li kull ordni mogħtija verbalment għandha tiġi kkonfermata bil-miktub u notifikata lill-persuna li lilha tkun ingħatat

fi żmien tlett ijiem tax-xogħol.

(2) Kwalunkwe uffiċjal tas-Segretarjat jista' jwaħħal sigilli jew juża mezzi oħra sabiex jiġi żgurat li kwalunkwe tagħmir ma jkunx jista' jithaddem, jekk ikun hekk ordnat, sa dak iż-żmien li l-ordni tkun revokata.

(3) Kwalunkwe uffiċjal tas-Segretarjat jista' jordna li l-post tax-xogħol jew parti minn post tax-xogħol jiġi kkundannat, u ordnat li jwaqqaf l-operazzjonijiet tiegħu minn dak il-ħin, u jista' jirrevoka kull ordni bħal din. Meta post tax-xogħol jew parti minnu jkun ikkundannat skont id-dispożizzjonijiet ta' dan is-subartikolu, l-ebda persuna ma għandha tidhol fiż-żona kkundannata mingħajr l-awtorizzazzjoni bil-miktub tas-Segretarjat.

(4) Kwalunkwe uffiċjal tas-Segretarjat meta jagħmel ordni bil-miktub taht dan l-artikolu, jista' jwaħħal fil-post tax-xogħol, jew fuq kwalunkwe tagħmir, magna, apparat, haġa jew oġġett, kopja tagħha, u l-ebda persuna hlief uffiċjal awtorizzat mis-Segretarjat ma għandha tneħhi din il-kopja.

(5) Meta xi uffiċjal tas-Segretarjat jagħmel ordni bil-miktub taht dan l-artikolu, jew johroġ rapport ta' spezzjoni lil impriża jew lil persuna responsabbli mill-ħidma, l-impriża jew il-persuna inkarigata mill-ħidma għandha minnufih tara li kopja jew kopji tagħhom jiġu mqiegħda f'post li jidher jew postijiet fil-prattika jew attività fejn huwa l-aktar probabbli li jiġu għall-attenzjoni tal-ħaddiema:

Iżda jkun ukoll fid-diskrezzjoni tas-Segretarjat, bi ftehim mal-Kummissjoni, li tippubblika din l-ordni fil-Gazzetta, jekk tkun tali li tissalvagwarda l-interess pubbliku.

(6) L-ebda eċċezzjonijiet ta' ksur tad-dritt għal smiġħ xieraq m'għandhom isiru mill-parti investigata qabel il-ħruġ ta' ordni.

**21.** (1) Kull persuna li tonqos li tikkonforma mad-dispożizzjonijiet ta' dan l-Att, jew xi regolamenti magħmulin tahtu tkun hatja ta' reat u tkun soġġetta għall-pieni stabbiliti b'dan l-Att u kull regolament applikabbli. Pieni.

(2) Kull persuna li tagixxi bi ksur tad-dispożizzjonijiet tal-artikoli 5, 6, 7, 8, 15, 16, 18, 19, 20, 25, 28, 34, 35, 37, 38, 39, 40, 45, 47, 49, 53, 54 jew 55 jew bi ksur ta' xi dispożizzjoni ta' xi regolamenti magħmula taht dan l-Att, u kull persuna li tinftiehem jew tipprowa, jew li tgħin, thajjar, tagħti parir jew tqabbad lil xi persuna oħra, biex tikser id-dispożizzjonijiet imsemmija qabel, tkun hatja ta' reat kontra dan l-Att.

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(3) Kull persuna li, dwar xi haġa taħt dan l-Att, jew taħt xi regolamenti magħmulin bis-saħħa ta' dan l-Att -

(a) tagħti xi tagħrif li dik il-persuna taf li huwa falz f'xi dettall importanti, jew b'nuqqas ta' hsieb tagħti xi tagħrif li jkun falz f'xi dettall importanti; jew

(b) bil-hsieb li tinganna, tipproduċi, tagħti, tibgħat jew xort' oħra tagħmel użu minn xi dokument li jkun falz f'xi dettall importanti; jew

(ċ) volontarjament, tirrifjuta li tagħti jew mingħajr raġuni legittima, li l-prova tagħha tkun fuqha, ma tagħtix xi tagħrif importanti; jew

(d) volontarjament jew b'nuqqas ta' hsieb tagħmel xi dikjarazzjoni falza jew inseriment falz f'xi dokument jew prospett jew f'xi dokument ieħor, miżmum jew mibgħut skont dan l-Att jew skont xi regolamenti magħmulin taħtu; jew

(e) bi ksur tal-liġi tirrifjuta jew tonqos milli twieġeb skont l-aħjar tagħrif tagħha għal xi mistoqsija magħmula lilha minn uffiċjal fit-twettiq tad-dmirijiet tiegħu; jew tonqos milli tgħin mill-aħjar lill-uffiċjal fit-twettiq tad-dmirijiet tiegħu; jew

(f) bi ksur tal-liġi tirrifjuta jew tonqos milli tosserva xi htieġa stabbilita skont dan l-Att jew regolamenti magħmula taħt dan l-Att; jew

(g) tostakola uffiċjal fit-twettiq tad-dmirijiet tiegħu skont dan l-Att jew regolamenti magħmula bis-saħħa ta' dan l-Att,

tkun hatja ta' reat kontra dan l-Att jew regolamenti magħmula bis-saħħa ta' dan l-Att.

(4) Hlief fil-każ tal-artikolu 39, kull persuna li twettaq reat kontra dan l-Att, jew regolamenti magħmula bis-saħħa ta' dan l-Att, tehel, meta tinsab hati, prigunerija għal żmien ta' mhux iżjed minn sentejn jew multa ta' mhux inqas minn ħames mitt euro (€500) iżda mhux iżjed minn tnax il-elf euro (€12,000), jew dik il-multu u prigunerija flimkien; u barra minn hekk il-qorti tista', fuq talba tal-prosekuzzjoni, tħassar il-liċenzji, *warrants* jew permessi, kollha jew uħud minnhom, maħruġa lil jew f'isem il-persuna misjuba hatja f'konnessjoni mal-post tax-xogħol fejn twettaq ir-reat:

Izda ebda proċedimenti ma jittiehdu kontra xi persuna li, wara li tkun irċeviet avviż mill-Kummissjoni għall-pagament ta'

penali ta' mhux aktar minn ħames mitt euro (€500) għax tkun kisret xi dispożizzjoni ta' dan l-Att jew regolamenti magħmula taht dan l-Att, tħallas dik il-penali lill-Kummissjoni, f'kull każ fi żmien ħmistax-il gurnata minn meta tkun irċeviet dak l-avviż.

(5) Kull persuna li twettaq reat kontra l-artikolu 39 jew atti elenkati fl-artikoli 57 u 59 tehel prigunerija għal żmien ta' sentejn (2) iżda mhux iżjed minn ħames (5) snin, u, jew multa li ma taqbiżx ħames mitt elf euro (€500,000).

(6) Minkejja d-dispożizzjonijiet tal-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat kontra dan l-Att għandhom jittieħdu quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skont kif ikun il-każ, bhala qrati ta' ġudikatura kriminali. Kap. 9.

(7) Fi proċedimenti kriminali mibdija mill-Pulizija quddiem il-Qorti tal-Maġistrati għal reat kontra d-dispożizzjonijiet ta' dan l-Att, is-Segretarju Eżekuttiv jista' jassisti lill-Pulizija fit-tmexxija tal-prosekuzzjoni u fil-produzzjoni tal-provi.

(8) Is-Segretarju Eżekuttiv jew xi uffiċjal imqabbad minnu għall-finijiet tas-subartikolu (5) jista' madankollu jingiebb bhala xhud, iżda jekk ix-xieħda tiegħu tkun meħtieġa bhala parti mill-każ tal-prosekuzzjoni, ix-xieħda tiegħu għandha tinstema' qabel dik ta' kull xhud ieħor għall-prosekuzzjoni sakemm il-ħtieġa tax-xieħda tiegħu ma tinqalax sussegwentement.

(9) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) dwar proċedimenti għal xi reat kontra dan l-Att jew xi regolamenti magħmulin bis-saħħa ta' dan l-Att. Kap. 9.

(10) Il-pieni previsti f'dan l-Att għandhom japplikaw għajr jekk il-fatt jikkostitwixxi reat aktar gravi taht il-Kodiċi Kriminali jew xi liġi oħra, f'liema każ għandha tapplika d-dispożizzjoni tal-Kodiċi Kriminali jew tal-liġi l-oħra. Kap. 9.

(11) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali proċedimenti għal reat taht dan l-Att jistgħu jinbdew f'kull żmien fi żmien sitt snin mit-twettiq tar-reat. Kap. 9.

**22.** Mizuri amministrattivi għar-rimedju mwettqa mis-Segretarjat jistgħu jinkludu s-sospensjoni, il-modifika jew ir-revoka ta' liċenzja jew awtorizzazzjoni. Mizuri amministrattivi għar-rimedju.

**23.** Kull deċiżjoni maħruġa mis-Segretarjat, skont l-artikolu Appelli.

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12, għandha tkun soġġetta għal appell fuq punti ta' liġi u fatti quddiem it-Tribunal tal-Appelli:

Iżda kull appell fuq punti tal-liġi għandu jinstema' mill-Qorti tal-Appell (Ġurisdizzjoni Ċivili):

Iżda wkoll kull appell minn deċiżjoni msemmija fl-artikolu 12(5), li jgħorr multa kriminali meta wiehed jinstab hati, għandu jkun suġġett għall-prosekuzzjoni quddiem il-Qorti Kriminali u suġġett għal appell quddiem il-Qorti tal-Appell (Ġurisdizzjoni Kriminali).

#### Taqsimha V - Protezzjoni mir-Radjazzjoni

Stabbiliment tar-rekwiżiti ġuridiċi u r-reġim ta' kontroll regolatorju.

**24.** (1) Mingħajr preġudizzju għall-ġeneralità tal-artikoli 10 u 12, il-Kummissjoni għandha tistabbilixxi r-rekwiżiti legali u sistema xierqa ta' kontroll regolatorju għas-sitwazzjonijiet kollha ta' esponiment, li jirriflettu sistema ta' protezzjoni mir-radjazzjoni msejsa fuq il-prinċipji ta' ġustifikazzjoni, ottimizazzjoni u limitazzjoni ta' esponiment.

(2) Il-Kummissjoni għandha tistabbilixxi kriterji li għandhom jiġu sodisfatti għall-kategoriji differenti ta' persuni involuti f'attivitajiet ta' protezzjoni mir-radjazzjoni koperti b'dan l-Att jew xi regolamenti magħmula taht dan l-Att.

Obbliġi tal-impriżi dwar il-protezzjoni mir-radjazzjoni.

**25.** (1) L-impriżi kollha għandhom jimplimentaw programm xieraq ta' protezzjoni mir-radjazzjoni.

(2) L-impriżi għandhom jiżguraw li haddiema li jkun għaddew minn taħriġ adegwat dwar il-protezzjoni mir-radjazzjoni biss, inkluż l-użu ta' tagħmir relatat użat fil-kors tal-impjeg tagħhom, għandhom iwettqu x-xogħol b'sorsi ta' radjazzjoni jew f'ambjenti ta' radjazzjoni.

#### Taqsimha VI - Kontroll Regolatorju ta' Sorsi

Stabbiliment ta' sistema ta' kontroll fuq sorsi ta' radjazzjoni.

**26.** (1) Is-Segretarjat għandu jistabbilixxi sistema ta' kontroll fuq sorsi u tagħmir li jinkorpora fih sorsi sabiex jiżgura li dawn jiġu mmanigġati b'mod sikur u protetti mil-lat ta' sigurtà matul il-perjodu utli tagħhom u wara l-perjodu utli tagħhom.

(2) Fuq il-bażi ta' gwida rikonoxxuta internazzjonalment, il-Kummissjoni għandha tadotta kategorizzazzjoni ta' sorsi radjuattivi bbażata fuq il-ħsara potenzjali li tista' tirriżulta għall-bniedem u għall-ambjent jekk tali sorsi ma jkunux immanigġati b'mod sikur jew protetti mil-lat ta' sigurtà.

## Taqsimha VII - Monitoraġġ Ambjentali

**27.** (1) Il-Kummissjoni għandha tiżgura li jkun hemm fis-seħh sistema għall-monitoraġġ ta' rutina tal-ambjent, ikel, ilma, ħalib u għalf tal-annimali.

Monitoraġġ ambjentali.

(2) Is-Segretarjat għandu jiġbor ir-riżultati u jqassam u, jew jippubblika r-riżultati msemmija kif meħtieġ.

(3) L-appoġġ meħtieġ kollu għall-ġbir u t-testjar ta' kampjuni u għall-monitoraġġ tal-ambjent għandu jkun ipprovdut minn aġenziji governattivi oħrajn jew organizzazzjonijiet oħra ta' appoġġ tekniku.

## Taqsimha VIII - Skarikor ta' Radjonuklidi fl-Ambjent

**28.** (1) Il-Kummissjoni għandha tistabbilixxi r-rekwiżiti għall-iskariku fl-ambjent inklużi livelli ta' eżenzjoni u l-livelli ta' rilaxx.

Funzjoni tal-Kummissjoni u tas-Segretarjat fuq l-iskariki ta' radjonuklidi fl-ambjent.

(2) Għall-iskariku ta' radjuattività fl-ambjent ta' livelli oġhla mir-rilaxx u, jew ta' eżenzjoni, trid tinkiseb l-approvazzjoni minn qabel mis-Segretarjat.

**29.** Is-Segretarjat għandu joħroġ liċenzji ta' skarikor għal kwalunkwe attivitajiet ta' skarikor li japprova. Liċenzji għal skarikor għandhom jispeċifikaw limiti ta' attività u għandhom jispeċifikaw kondizzjonijiet.

Hruġ ta' liċenzji ta' skarikor.

## Taqsimha IX - Rispons għal Emergenza

**30.** Ebda liċenzja biex titwettaq attività jew Prattika, tiġi operata faċilità, jew iż-żamma jew l-użu ta' sors, ma tista' tingħata jekk u sakemm ma jiġix żviluppat pjan xieraq ta' preparazzjoni għal emergenza u pjan ta' reazzjoni mill-applikant, u dan ikun rivedut mis-Segretarjat.

Pjanijiet ta' emergenza tal-parti awtorizzata.

**31.** Pjan nazzjonali ta' emergenza biex jirrispondi għal emergenzi potenzjali nukleari jew radjoloġiċi għandu jkun żviluppat u miżmum mis-Segretarjat flimkien mal-Kummissjoni u approvat mill-Ministru, wara konsultazzjoni mal-Kummissjoni u l-Ministri oħra, jekk il-Ministru jemmen li konsultazzjoni magħhom hija meħtieġa biex jiġu ssodisfati l-funzjonijiet tiegħu taħt dan l-Att.

Stabiliment u manutenzjoni ta' pjan ta' emergenza nazzjonali.

**32.** Fil-każ ta' emergenza nukleari jew radjoloġika li tippreżenta riskju li l-kontaminazzjoni radjuattiva tista' tinfirex lil hinn mill-ibħra territorjali ta' Malta, il-Kummissjoni għandha minnufih tinnotifika lill-Aġenzija Internazzjonali tal-Energija Atomika u l-Kummissjoni Ewropea.

Emergenzi transkonfinali.

Il-Kummissjoni tista' tiddeċiedi wkoll li tinnotifika lill-Aġenzija Internazzjonali tal-Energija Atomika u l-Kummissjoni Ewropea dwar inċidenti oħra li tqis li jkunu rilevanti:

Iżda s-Segretarjat għandu jservi bħala l-punt ta' kuntatt għall-forniment ta' kwalunkwe informazzjoni jew għajnuna dwar emergenzi nukleari jew radjoloġiċi skont it-termini tal-istrumenti internazzjonali rilevanti, inkluża l-Konvenzjoni dwar Notifikar Kmieni ta' Inċident Nukleari u l-Konvenzjoni dwar l-Assistenza fil-każ ta' Inċident Nukleari jew Emergenza Radjoloġika:

Iżda wkoll, bla ħsara għall-konvenzjonijiet internazzjonali, inkluża l-Konvenzjoni ta' Vjenna dwar ir-Responsabbiltà Ċivili għal Ħsara Nukleari, il-Kummissjoni flimkien mas-Segretarjat tkun obbligata li tiżviluppa l-pjan ta' sikurezza nukleari fil-każ ta' inċidenti fil-facilitajiet nukleari f'pajjiżi oħra, li jistgħu jaffettwaw l-istatus tas-sikurezza nukleari f'Malta.

#### Taqsim X - Trasport, Importazzjoni u Esportazzjoni ta' Materjal Radjuattiv

Regolamentazzjoni tat-trasport ta' materjal radjuattiv.

**33.** Il-Kummissjoni għandha tistabbilixxi r-rekwiżiti għat-trasport ta' materjal radjuattiv lejn, minn u ġewwa l-ġurisdizzjoni ta' Malta wara konsultazzjoni ma' entitajiet governattivi responsabbli għat-trasport u l-importazzjoni u l-esportazzjoni ta' merkanzija.

Awtorizzazzjoni għat-trasport ta' materjal radjuattiv.

**34.** (1) Ebda persuna jew entità ma għandha tagħmel xogħol ta' trasport ta' materjal radjuattiv mingħajr awtorizzazzjoni xierqa mis-Segretarjat.

(2) Kull trasport ta' materjal radjuattiv għandu jsir f'konformità mar-regolamenti nazzjonali applikabbli tat-trasport u mar-rekwiżiti tekniċi tar-Regolamenti għat-Trasport Sikur ta' Materjal Radjuattiv tal-Aġenzija Internazzjonali tal-Energija Atomika, u r-rekwiżiti applikabbli tal-Ftehim Ewropew dwar Ġarr Internazzjonali ta' Merkanzija Perikoluża fit-Triq (ADR), l-Organizzazzjoni Marittima Internazzjonali (IMO) u l-Organizzazzjoni Internazzjonali għall-Avjazzjoni Ċivili (ICAO), kif emendati minn żmien għal żmien.

Notifika minn qabel obligatorja.

**35.** (1) Ebda importazzjoni jew esportazzjoni ta' materjal radjuattiv ma hi permessa qabel ma ssir in-notifika lis-Segretarjat.

(2) Wara n-notifika, is-Segretarjat japprova jew xort'oħra l-importazzjoni jew l-esportazzjoni ta' materjal radjuattiv.

## Taqsimha XI - Skart

**36.** Sabiex tiġi żgurata l-ġestjoni bla periklu u sigur tal-iskart radjuattiv f'Malta, il-Kummissjoni flimkien mas-Segretarjat għandu jkollha:

Politika u strategija nazzjonali.

(a) politika nazzjonali u strategija għall-ġestjoni tal-iskart radjuattiv;

(b) rekwiżiti applikabbli ta' sikurezza u sigurtà u regolamenti għall-protezzjoni tan-nies u l-ambjent minn impatti avversi ta' attivitajiet ta' ġestjoni tal-iskart radjuattiv.

**37.** Ir-responsabbiltà ewlenija għall-iżgurar tas-sikurezza u s-sigurtà tal-iskart radjuattiv ġewwa jew barra faċilità tal-iskart radjuattiv matul iż-żmien li jidmura hija tad-detentur tal-awtorizzazzjoni jew liċenzja rilevanti:

Responsabbiltà ewlenija wara approvazzjoni.

Iżda r-responsabbiltà li tkun żgurata s-sikurezza u s-sigurtà ta' skart radjuattiv li għalihom l-ebda impriza jew entità ma tkun tista' tiġi determinata għandha tkun tal-korp rilevanti li jirregola hwejjeġ li huma relatati mar-rimi ta' skart radjuattiv.

**38.** Id-detentur ta' liċenzja li jkollu l-pussess tal-iskart radjuattiv għandu jkun responsabbli għall-finanzjament tar-rimi tal-iskart.

Responsabbiltà għall-finanzjament tar-rimi tal-iskart.

**39.** L-importazzjoni ta' skart radjuattiv huwa reat taħt dan l-Att u huwa punibbli bi prigunerija għal żmien ta' sentejn (2) iżda mhux iżjed minn hames (5) snin, u, jew multa ta' mhux iżjed minn hames mitt elf euro (€500,000).

Importazzjoni illeċita ta' skart radjuattiv.

**40.** L-iskart radjuattiv iġġenerat f'Malta jista' jiġi esportat biss wara l-ħruġ ta' awtorizzazzjoni jew liċenzja mis-Segretarjat u sakemm l-obbligi stipulati fir-Regolamenti dwar Superviżjoni u Kontroll ta' Vjaġġi ta' Skart Radjuattiv ikunu sodisfatti.

Esportazzjoni ta' skart radjuattiv hija permess b'awtorizzazzjoni. S.L. 549.51

## Taqsimha XII - Tnaqqis ta' riskji eżistenti jew mhux regolati

**41.** Il-Kummissjoni għandha tiżgura li s-sitwazzjonijiet ta' esponiment eżistenti li jiġu identifikati jkunu evalwati sabiex tiddetermina liema esponimenti okkupazzjonali u dawk pubbliċi huma ta' tħassib mil-lat ta' protezzjoni mir-radjuazzjoni.

Evalwazzjoni ta' riskji.

**42.** Il-Kummissjoni għandha tirrakkomanda lill-Ministru l-azzjonijiet ta' rimedju ġustifikati li jeħtieġ li jittieħdu għall-protezzjoni tal-pubbliku u li jiżguraw li l-protezzjoni u s-sikurezza hija ottimizata.

Azzjonijiet ta' rimedju.

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Livelli ta' radon.

**43.** Il-Kummissjoni għandha tiġbor informazzjoni dwar il-livelli ta' radon fil-magħluq u r-riskji tas-saħħa assoċjati u, jekk xieraq, għandha tistabbilixxi u timplimenta pjan ta' azzjoni għall-kontroll ta' esponiment tal-pubbliku minhabba r-radon fil-magħluq.

Esponiment għal radjonuklidi.

**44.** Il-Kummissjoni għandha tistabbilixxi livelli ta' referenza għall-esponiment minn radjonuklidi fil-komoditajiet, u tenforza r-rekwiziti għall-protezzjoni tal-ħaddiema f'sitwazzjonijiet ta' esponiment eżistenti.

#### Taqsimha XIII - Salvagwardji

Użu paċifiku ta' materjal nukleari.

**45.** Materjal nukleari f'Malta għandu jintuza esklussivament għal skopijiet paċifiċi u f'konformità mal-obbligi internazzjonali rilevanti meħuda minn Malta.

Verifika tal-konformità.

**46.** Sabiex tiġi żgurata l-konformità mal-impenji rilevanti ta' Malta għall-Ftehim ta' Salvagwardji u l-Protokoll Addizzjonali s-Segretarjat għandu:

(a) jivverifika l-implimentazzjoni tal-obbligi ta' Malta li jirriżultaw mill-Ftehim ta' Salvagwardji u l-Protokoll Addizzjonali;

(b) jiġbor u jipprovdi lill-Komunità Ewropea għall-Energija Atomika u l-Aġenzija Internazzjonali tal-Energija Atomika l-informazzjoni meħtieġa biex jimplimenta bis-sħiħ il-Ftehim ta' Salvagwardji u l-Protokoll Addizzjonali; u

(ċ) jiffaċilita l-aċċess mill-Komunità Ewropea għall-Energija Atomika u l-isperturi tal-Aġenzija Internazzjonali tal-Energija Atomika fi ħdan it-territorju ta' Malta.

Koperazzjoni fl-applikazzjoni tal-miżuri ta' salvagwardja.

**47.** Kull aġenzija tal-Gvern ta' Malta u persuni u entitajiet awtorizzati jew liċenzjati għandhom jikkooperaw bis-sħiħ mal-Komunità Ewropea għall-Energija Atomika u l-Aġenzija Internazzjonali tal-Energija Atomika fl-applikazzjoni ta' miżuri ta' salvagwardja, inkluż billi:

(a) jipprovdu fil-pront l-informazzjoni kollha meħtieġa skont il-Ftehim ta' Salvagwardji u l-Protokoll Addizzjonali;

(b) jipprovdu aċċess għal postijiet kif meħtieġ mill-Ftehim ta' Salvagwardji u l-Protokoll Addizzjonali;

(ċ) jipprovdu appoġġ lill-Kummissjoni, is-Segretarjat, il-Komunità Ewropea tal-Energija Atomika u l-isperturi tal-Aġenzija Internazzjonali tal-Energija Atomika fil-qadi ta' dmirijiethom; u

(d) jagħtu lill-ispetturi tas-Segretarjat, tal-Komunità Ewropea tal-Energija Atomika u tal-Aġenzija Internazzjonali għall-Energija Atomika dawk is-servizzi kollha meħtieġa f'konnessjoni mal-ispezzjonijiet tagħhom.

**48.** Ir-rappreżentanti debitament awtorizzati tas-Segretarjat u spetturi nominati tal-Komunità Ewropea għall-Energija Atomika u tal-Aġenzija Internazzjonali għall-Energija Atomika għandu jkollhom aċċess għal kull post jew faċilità kif previst taħt il-Ftehim ta' Salvagwardji u kwalunkwe protokoll tiegħu, bil-għan li jsiru l-attivitajiet ta' verifika awtorizzati minn dawn l-istrumenti.

Dritt ta' aċċess ta' spetturi tal-Komunità Ewropea għall-Energija Atomika u l-Aġenzija Internazzjonali għall-Energija Atomika u s-Segretarjat.

**49.** Kull persuna li twettaq attivitajiet soġġetti għall-Ftehim tas-Salvagwardji u tal-protokoll tiegħu għandha tippermetti lis-Segretarjat u lill-ispetturi debitament maħtura tal-Komunità Ewropea għall-Energija Atomika u l-Aġenzija Internazzjonali għall-Energija Atomika li jwettqu kull miżura li s-Segretarjat jew il-Komunità Ewropea dwar l-Energija Atomika u l-Aġenzija Internazzjonali għall-Energija Atomika, rispettivament, iqisu meħtieġa jew xierqa biex tintlaħaq il-konformità mal-impenji ta' Malta li jirriżultaw mill-Ftehim ta' Salvagwardji u l-protokoll addizzjonali.

Obbligu ta' aċċess.

**50.** Il-Kummissjoni għandha tkun responsabbli għall-approvazzjoni tal-ħatra tal-ispetturi proposti mill-Komunità Ewropea għall-Energija Atomika u l-Aġenzija Internazzjonali għall-Energija Atomika għal Malta.

Approvazzjoni tal-ispetturi proposti mill-Komunità Ewropea għall-Energija Atomika u l-Aġenzija Internazzjonali għall-Energija Atomika.

**51.** Is-Segretarjat għandu jagħmel l-arranġamenti ma' entitajiet governattivi oħrajn, kif meħtieġ, sabiex jiġi żgurat li kwalunkwe permess meħtieġ, inklużi viżi, fejn meħtieġ, jinħareġ, b'mod mgħaġġel, sabiex jippermetti l-ispetturi nominati tal-Aġenzija Internazzjonali tal-Energija Atomika għal Malta li jidhlu u jibqgħu fit-territorju ta' Malta għall-fini li jwettqu l-funzjonijiet tagħhom ta' salvagwardja skont il-Ftehim ta' Salvagwardji u l-protokoll tiegħu.

Arranġamenti għal funzjonijiet ta' salvagwardja f'Malta.

**52.** Il-Kummissjoni għandha tiżgura l-implimentazzjoni effettiva ta' salvagwardji f'Malta billi tistabilixxi u timplimenta:

Implimentazzjoni tas-salvagwardji f'Malta.

- (a) sistema għall-analiżi ta' materjal nukleari;
- (b) proċeduri għat-twettiq ta' inventarji fiżiċi;
- (ċ) sistema ta' rekords u rapporti għall-insewiment tal-inventarji ta' materjali nukleari;

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(d) proċeduri biex jiġi żgurat li l-proċeduri tal-kontabilità u l-arranġamenti jkunu qegħdin jiġu mhaddma korrettement; u

(e) proċeduri għar-rappurtar lill-Aġenzija Internazzjonali tal-Energija Atomika.

Obbligi ta' impriži awtorizzati li jimmaniġġaw, jużaw, jew jipproċessaw materjal nukleari.

**53.** Impriži awtorizzati li jippossjedu, jużaw, jimmaniġġaw jew jipproċessaw materjal nukleari soġġett għall-Ftehim ta' Salvagwardji u kull protokoll tiegħu għandhom:

(a) iżommu r-rekords kif preskritt mis-Segretarjat;

(b) iressqu r-rapporti stabbiliti lis-Segretarjat;

(ċ) jagħtu avviz lis-Segretarjat tal-importazzjoni jew l-esportazzjoni ta' materjal nukleari, kif speċifikat mis-Segretarjat;

(d) iżommu protezzjoni fiżika u miżuri oħra ta' sigurtà fir-rigward ta' materjal nukleari, kif speċifikat mis-Segretarjat;

(e) mingħajr telf ta' żmien, jirrapurtaw lis-Segretarjat kull telf ta' materjal nukleari li jaqbeż limiti preskritti mill-Kummissjoni;

(f) jipprovdu rapporti dwar l-attivitajiet ippjanati għall-futur, kif speċifikat mill-Kummissjoni;

(g) jippermettu rappreżentanti awtorizzati tas-Segretarjat u l-uffiċjali nominati tal-Komunità Ewropea għall-Energija Atomika u l-Aġenzija Internazzjonali għall-Energija Atomika sabiex, mingħajr tfixkil, iwettqu spezzjonijiet fi kwalunkwe faċilità jew post ieħor kif previst skont dan l-Att, il-Ftehim tas-Salvagwardji jew kwalunkwe protokoll tiegħu.

Obbligu ta' persuni li jwettqu riċerka u żvilupp relatat maċ-ċiklu nukleari.

**54.** Kull persuna li bihsiebha twettaq attivitajiet ta' riċerka u żvilupp relatati maċ-ċiklu tal-fjuwil nukleari, kif imfisser fil-Ftehim ta' Salvagwardji u kwalunkwe protokoll tiegħu, għandha ttiprovdi informazzjoni lis-Segretarjat dwar dawn l-attivitajiet qabel ma jinbdeu.

Obbligu dwar sottomissjoni ta' informazzjoni lis-Segretarjat.

**55.** Kwalunkwe impriża li twettaq attivitajiet soġġetti għall-Ftehim ta' Salvagwardji jew kwalunkwe protokoll tiegħu, għandha tippreżenta lis-Segretarjat l-informazzjoni u d-*data* meħtieġa għall-konformità minn Malta mal-impenji ta' Malta li jirrizultaw minn dan l-Att.

Taqsimha XIV - Sigurtà Nukleari, Protezzjoni Fizika  
u Traffikar Illeċitu

**56.** Il-Kummissjoni għandha tistabbilixxi rekwiżiti għall-protezzjoni fizika ta' materjal nukleari (u materjal ieħor radjuattiv), inkluż:

Funzjonijiet tas-Segretarjat dwar il-protezzjoni ta' materjal nukleari u materjal radjuattiv ieħor.

(a) il-kategorizzazzjoni ta' materjal nukleari (u materjal ieħor radjuattiv) ibbażata fuq evalwazzjoni tal-ħsara li tista' tirriżulta minn serq jew devjazzjoni ta' ċertu tip u kwantità ta' materjal mill-użu awtorizzat, jew minn sabutaġġ ta' faċilità li fiha materjal nukleari u materjal ieħor radjuattiv, huma prodotti, ipproċessati, użati, immaniġġati, maħżuna jew mormijin;

(b) miżuri ta' protezzjoni meħtieġa għall-kategoriji differenti ta' materjal; u

(ċ) miżuri ta' kontabilità u ta' kontroll għall-materjal nukleari (u materjal ieħor radjuattiv).

**57.** Fil-każ ta' serq, serq b'forza jew teħid illegali, jew it-theddida kredibbli ta' teħid illegali, ta' materjal nukleari (jew materjal ieħor radjuattiv), is-Segretarjat għandu jieħu l-passi xierqa mill-aktar fis possibbli biex jinforma lil Stati oħra jew organizzazzjonijiet internazzjonali li jistgħu jkunu affettwati biċ-ċirkostanzi tal-inċident.

Serq, serq b'forza jew pussess illegali ta' materjal radjuattiv.

**58.** Is-Segretarjat għandu jkun l-awtorità ċentrali li hija responsabbli għall-protezzjoni fizika ta' materjal nukleari u għall-koordinazzjoni tal-irkupru u r-rispons fil-każ ta' xi serq jew teħid illegali ta' materjal nukleari (jew materjal ieħor radjuattiv).

Protezzjoni fizika ta' materjal nukleari.

**59.** Fil-każ ta' serq jew kwalunkwe teħid illegali ta' materjal nukleari (jew materjal ieħor radjuattiv), is-Segretarjat għandu jkun responsabbli għad-determinazzjoni tal-koperazzjoni meħtieġa u l-arranġamenti ta' assistenza fl-irkuprar u l-protezzjoni ta' dak il-materjal li għandhom jiġu miftiehma ma' kull Stat jew organizzazzjoni internazzjonali li hekk titlob.

Koperazzjoni u arranġamenti ta' assistenza f'każ ta' pussess illeċitu ta' materjal nukleari.

**60.** Is-Segretarjat għandu jipprovdi informazzjoni dwar inċidenti li jinvolvu serq, serq b'forza jew kwalunkwe teħid illegali ta' materjal nukleari (jew materjal ieħor radjuattiv), tagħmir u teknoloġija lill-Aġenzija Internazzjonali għall-Energija Atomika skont l-arranġamenti stabbiliti minn dik l-Aġenzija.

Għoti ta' informazzjoni dwar inċidenti li jinvolvu l-pussess illeċitu ta' materjal nukleari.

Taqsimha XV - Disposizzjonijiet Finanzjarji

**61.** (1) Il-Kummissjoni u s-Segretarjat għandhom jingħataw riżorsi finanzjarji u umani adegwati, permezz tal-baġit nazzjonali,

Disposizzjonijiet finanzjarji.

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sabiex iwettqu r-responsabbiltajiet tagħhom taħt dan l-Att u r-regolamenti applikabbli.

(2) Il-Kummissjoni tista' titlob miżati skont l-artikolu 10(2)(g):

Izda kwalunkwe miżata jew multi miġbura mis-Segretarjat għandhom jithallsu lill-Ministeru għall-Finanzi.

(3) Il-Ministru responsabbli għall-Finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Kummissjoni ta' dawk is-somom li l-Ministru responsabbli għall-Finanzi jista' jaqbel li jkunu meħtieġa mill-Kummissjoni biex taqdi kull funzjoni tagħha taħt dan l-Att, u jista' jagħmel dawk l-avvanzi skont dawk il-pattijiet u kondizzjonijiet li l-Ministru responsabbli għall-Finanzi jista', wara konsultazzjoni kif hawn aktar qabel imsemmi, jidhirlu xierqa. Avvanz bħal dak jista' jsir mill-Ministru responsabbli għall-Finanzi mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni oħra hlief dan l-Att, b'*warrant*, li jawtorizza lill-*Accountant General* biex jagħmel dak l-avvanz.

(4) Il-Kummissjoni għandha tkun responsabbli għall-iżvilupp tal-baġit tagħha stess u sabiex tippreżentah lill-Ministru għall-approvazzjoni.

(5) Il-Kummissjoni għandha tara li jkun ippreparat, fl-aħħar ta' kull sena finanzjarja, rapport finanzjarju li jirreġistra d-dhul u l-infiq tal-Kummissjoni u s-Segretarjat u l-istimi proġettati tal-introjt u l-infiq tal-Kummissjoni u s-Segretarjat għas-sena finanzjarja li jmiss:

Izda l-estimi tal-Kummissjoni għall-ewwel sena finanzjarja tal-Kummissjoni għandhom ikunu ppreparati u adottati f'dak iż-żmien li l-Ministru jista', b'avviż bil-miktub lill-Kummissjoni, jispeċifika.

#### Taqsimha XVI - Dispożizzjonijiet Finali

Setgħa biex isiru regolamenti.

**62.** Il-Ministru jista' jagħmel regolamenti b'mod ġenerali sabiex jagħtu effett lid-dispożizzjonijiet ta' dan l-Att, u għat-twettiq aħjar ta' xi dispożizzjoni ta' dan l-Att inklużi regolamenti sabiex jimplimentaw l-istrumenti legali internazzjonali kollha li għandhom x'jaqsmu mar-rad jazzjoni jonizzanti u dik mhux jonizzanti, is-sikurezza u s-sigurtà nukleari.

Ilsien tar-regolamenti.

**63.** (1) Regolamenti magħmula taħt xi dispożizzjoni ta' dan l-Att jistgħu jsiru bl-ilsien Inġliż biss.

(2) Fil-każ ta' konflitt jew inkompatibilità bejn it-test Malti u dak Inġliż ta' xi regolamenti magħmula taħt dan l-Att, il-verżjoni bil-sien Inġliż għandha tipprevali.

**64.** (1) Awtorizzazzjonijiet maħruġa bis-saħħa tar-Regolamenti dwar is-Sigurtà Nukleari u l-Protezzjoni mir-Radjazzjoni għandhom jibqgħu validi sad-data tal-iskadenza tagħhom. Dispożizzjonijiet transitorji. S.L. 365.15.

(2) Ir-regolamenti kollha oħra eżistenti li huma relatati mal-użu ta' radjazzjoni jonizzanti għandhom jibqgħu fis-seħħ sakemm ma jkunux espressament revokati.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 114 tal-21 ta' Mejju, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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I assent.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

25th May, 2018

**ACT No. XVIII of 2018**

*An ACT to make provision for the protection of individuals in current and future generations against the harmful effects of ionising and non-ionising radiation and for the safety of radiation sources and to introduce preventive and protective measures of control for human exposure to ionising and non-ionising radiation and matters connected therewith or ancillary thereto.*

BE IT enacted by the President, by and with the advice and consent of the House of Representatives in this Present Parliament

assembled, and by the authority of the same as follows: -

### ARRANGEMENT OF ACT

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#### Part I – Preliminary

**1.** The short title of this Act is the Nuclear Safety and Radiation Protection Act, 2018. Short title.

**2.** (1) The scope of this Act is to: Scope.

(a) allow the beneficial and justified uses of ionising and non-ionising radiation;

(b) provide for adequate protection of people in current and future generations against the harmful effects of ionising radiation and for the safety of radiation sources;

(c) provide for the physical protection of nuclear material;

(d) provide a mechanism whereby these objectives are achieved through the establishment of a Radiation Protection Commission and its Secretariat hereinafter referred to as the "Commission" and "Secretariat", to act as the competent national authority in the field of nuclear safety and radiation

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protection.

(2) Notwithstanding the provisions of sub-article (1), this Act shall apply to:

(a) the programmed safe management of radioactive waste;

(b) conditions for the security of the ionising radiation sources;

(c) the implementation of the requirements, including but not only, the enactments of any act or regulation, required to give effect to any treaty, convention or protocol related to the ionising radiation, nuclear safety and security related international legal instruments which the Government accedes and ratifies;

(d) equipment, articles and non-nuclear material specified for the reporting of exports and imports according to Article 2(a)(ix) of the Additional Protocol:

Provided that this Act shall not apply to activities or practices involving exposures that have been excluded from regulatory control.

(3) Without prejudice to the generality of this article the aim of this Act is also to introduce preventive and protective measures of control of detrimental human exposure to non-ionising radiations against known or otherwise anticipated biological effects that have a detrimental effect on mental, physical and, or general well-being of exposed people, either in the short term or long term from any facility or equipment emitting such fields.

Interpretation.

**3.** In this Act, unless the context otherwise requires:

"accident" shall mean any unintended event, including operating errors, equipment failures and other mishaps, the consequences or potential consequences of which are not negligible from the point of view of radiation protection or safety;

"activities" means the production, use, import and export of radiation sources for industrial, research and medical purposes; the transport of radioactive material; the setting, construction, commissioning, operation and decommissioning of facilities; radioactive waste management activities and site rehabilitation;

"Additional Protocol" means the Additional Protocol to the

Safeguards Agreement, which came into force for Malta on 1 July 2007;

"applicant" means a natural or legal person who applies to the Secretariat by filing an application for the purpose of obtaining the authorization for undertaking specific activities in relation to this Act;

"authorization" means the granting by the Secretariat of a written permission for an undertaking to perform a specified activity and may include a registration or licence;

"carers and comforters" means individuals knowingly and willingly incurring an exposure to ionising radiation by helping, other than as part of their occupation, in the support and comfort of individuals undergoing or having undergone medical exposure;

"Chairperson" means the Non-Executive Chairperson responsible for the Commission and includes the Deputy Chairperson when acting as Chairperson in instances where the Chairperson is unable to perform the functions of his office;

"clearance" means the removal of regulatory control by the Secretariat after consultation with the Commission from radioactive material or radioactive objects within notified or authorized practices;

"clearance level" means a value, established by the Commission and expressed in terms of activity concentration, at or below which regulatory control may be removed from a source of radiation within a notified or authorized practice;

"Commission" means Commission for the Protection from Ionising and Non-Ionising Radiation as defined in article 10;

"compliance" means conformity with the requirements of this Act or regulations made thereunder;

"decommissioning" means all steps leading to the release of a facility, other than a disposal facility, from regulatory control other than confirming the decommissioned status of a facility. These steps include the processes of decontamination and dismantling;

"disposal" means the emplacement of radioactive waste in an appropriate facility without the intention of retrieval;

"effective dose" means the sum of the weighted equivalent doses from ionising radiation in all the tissues and organs of the body from internal and external exposure;

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"equipment" means a manufactured product that produces ionising or non-ionising radiation;

"exclusion" means the deliberate exclusion of a particular category of exposure from the scope of this Act on the grounds that it is not considered amenable to regulatory control;

"Executive Secretary" means the secretary responsible for the proper and efficient organization of the Secretariat;

"exemption" means the determination by the Commission that a source or practice need not be subject to some or all aspects of regulatory control on the basis that the exposure and the potential exposure due to the source or practice is too small to warrant the application of those aspects or that this is the optimum option for protection irrespective of the actual level of the doses or risks as specified in this Act;

"exemption level" means a value, established by the Commission and expressed in terms of activity concentration, total activity at or below which a source of ionising radiation need not be subject to notification or authorization;

"exposure" means the act of exposing or condition of being exposed to ionising or non-ionising radiation;

"facilities" means any installation which has a source of ionising or non-ionising radiation;

"graded approach" means a structured method by which the stringency of control to be applied to a product or process is commensurate with the risk;

"inspection" means the examination, observation, measurement, or test undertaken to assess structures, components, and materials, as well as operational activities, technical processes, organisational processes, procedures, and personnel competence;

"intervention" means any action intended to reduce or avert exposure or the likelihood of exposure to sources which are not part of a controlled practice or which are out of control as a consequence of an accident;

"ionising radiation" means energy transferred in the form of particles or electromagnetic waves of a wavelength of 100 nanometres or less capable of producing ions directly or indirectly;

"licence" means a legal document issued by the Secretariat

granting authorization to perform specified activities related to a facility or activity;

"licensee" means the holder of a current licence granted for an activity or practice who has recognized rights and duties for the activity or practice, particularly in relation to safety and security;

"medical exposure" means exposure incurred by patients or asymptomatic individuals as part of their own medical or dental diagnosis or treatment, with ionising radiation and intended to benefit their health, as well as exposure incurred by carers and comforters and by volunteers in medical or biomedical research;

"Minister" means the Minister responsible for matters related to and incidental to this Act and such Minister shall not have under his responsibility any form of ionising or non-ionising radiation facility or source;

"non-ionising radiation" means energy transferred in the form of electromagnetic waves of a wavelength greater than 100 nanometres and is not capable of producing ions directly or indirectly;

"notification" means a document submitted to the Secretariat by an undertaking to notify an intention to carry out a practice or other use of a source;

"nuclear damage" means:

(a) damage due to death, physical injury, or other infringement to human health, loss or damage to property, occurring or being a consequence of radioactive characteristics or a combination of such characteristics with poisonous, explosive or other hazardous characteristics of nuclear fuel or radioactive products or waste located in a nuclear facility, or nuclear material sent to a nuclear facility or produced in the facility or being sent out of it;

(b) damage due to death, physical injury, or other infringement to human health, loss or damage to property, occurring or being a consequence of other ionising radiation originating from any other radiation source in a nuclear facility;

"nuclear facility" means any facility where activities or practices utilizing nuclear material are conducted, including a nuclear power plant, research reactor, fuel fabrication plant, spent fuel storage facility, enrichment plant, reprocessing facility or any other facility determined by the Commission. For purposes of the application of

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International Atomic Energy Agency safeguards, it means a facility as defined in the relevant Safeguards Agreement between Malta and the International Atomic Energy Agency;

"nuclear material" means uranium and thorium of natural isotopic structure, uranium with reduced (depleted uranium), or increased contents of isotope 235, uranium of isotopic structure 233, plutonium 239 and its heavier isotopes, industrial products or products made of such substances, as well as other substances designated by the Commission. For purposes of the application of International Atomic Energy Agency safeguards, it means any special fissionable material or source material as defined in the relevant Safeguards Agreement between Malta and the International Atomic Energy Agency; it shall not be interpreted as applying to ore or ore residue;

"nuclear or radiological emergency" means an emergency in which there is, or is perceived to be, a hazard due to:

- (a) the energy resulting from a nuclear chain reaction or from the decay of the products of a chain reaction; or
- (b) radiation exposure;

"occupational exposure" means exposure of workers, apprentices and students, incurred in the course of their work with ionising or non-ionising radiation;

"owner" means the person or company who owns, or is responsible for, the operation of an installation emitting non-ionising and ionising radiation into the environment or workplace;

"potential exposure" means an exposure that is not expected to occur with certainty but that may result from an accident at a source or owing to an event or sequence of events of a probabilistic nature, including equipment failures and operating errors;

"practice" means any human activity that introduces additional sources of exposure or exposure pathways or extends exposure to additional people or modifies the network of exposure pathways from existing sources in a way that increases the exposure or the likelihood of exposure of people or the number of people exposed;

"public" means everyone who is not a worker or a patient under medical care;

"public officer" has the same meaning as assigned to it by article 124 of the Constitution, but does not include a Judge of the Superior

Courts or a Magistrate of the Inferior Courts;

"public exposure" means exposure of individuals, excluding any occupational or medical exposure;

"radiation" refers to either ionising or non-ionising radiation;

"radiation protection" means protection of people from the harmful effects of exposure to ionising or non-ionising radiation, and the means for achieving this protection;

"radiation protection programme" means the systemic arrangements that are aimed at providing adequate consideration of radiation protection;

"radioactive material" means material (solid, liquid, or gas), which spontaneously emits radiation, including accelerator-produced material, by-product material, natural material, source and special nuclear material;

"registration" means a form of authorization for practices of low risk, through a simplified procedure to carry out a practice;

"radiation source" means an ionising radiation generator, or a radioactive source or other radioactive material outside the nuclear fuel cycles of research and power reactors;

"radioactive waste" means material, in whatever physical form, remaining from practices or interventions and for which no further use is foreseen -

(a) that contains or is contaminated with radioactive substances and has an activity or activity concentration higher than the level set for clearance from regulatory requirements, and

(b) exposure to which is not excluded under applicable regulations;

"radioactive waste management" means all administrative and operational activities which involve handling, pre-treatment, treatment, conditioning, transport, storage, and disposal of radioactive waste;

"reference level" means an exposure level to ionising or non-ionising radiation provided for practical exposure assessment purposes to determine whether the basic restrictions are likely to be exceeded;

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"regulatory control" means any form of control or of regulation applied by the Secretariat to facilities or activities, for the reasons relating to radiation protection or to safety of radiation sources, or security of radioactive sources;

"Safeguards Agreement" means the Agreement between the European Union Non-nuclear-weapon Member States, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III(1) and (4) of the Treaty on the Non-Proliferation of Nuclear Weapons (Agreement 78/164/Euratom) which came into force for Malta on 1 July 2007;

"safety" means the protection of people and the environment against radiation risks, and the safety of facilities and activities that give rise to radiation risks;

"safety culture" means the assembly of characteristics and attitudes in organizations and individuals which establishes that, as an overriding priority, protection and safety issues receive the attention warranted by their significance. Safety culture includes:

- (a) individual and collective commitment to safety on the part of the leadership, the management and personnel at all levels;
- (b) accountability of organizations and of individuals at all levels for safety; and
- (c) measures to encourage a questioning and learning attitude and to discourage complacency with regard to safety;

"Secretariat" means the Secretariat of the Commission as established by article 12;

"security" means the prevention and detection of, and response to, theft, sabotage, unauthorized access, illegal transfer or other malicious acts involving nuclear or other radioactive material, or their associated facilities;

"security culture" means characteristics and attitudes in organisations and of individuals which establish that security issues receive the attention warranted by their significance;

"source" means anything that may cause radiation exposure - such as by emitting ionising or non-ionising radiation or by releasing radioactive substances or material and can be treated as a single entity for protection and safety purposes;

"source material" includes:

- (a) uranium containing an isotopic mixture appearing in nature,
- (b) depleted uranium in 235 isotope,
- (c) thorium,
- (d) any of the stated materials in the form of metal, alloy, chemical compound, or concentrate, and
- (e) any material other substance containing one or more of the above stated elements with concentration level designated by the Commission;

"spent fuel" means nuclear fuel that has been irradiated in and permanently removed from a reactor core;

"technical service provider" means service providers in safety, providing either consultancy and maintenance services or calibration and testing services;

"transport" means all operations and conditions associated with and involved in the movement of nuclear or other radioactive material. This includes the design, manufacture, maintenance and repair of packaging, and the preparation, consigning, loading, carriage including in-transit storage, unloading and receipt at the final destination of loads of such material and packages;

"Tribunal" means the Appeals Tribunal as referred to in article 14;

"undertaking" means a natural or legal person who has legal responsibility under national law for carrying out a practice, or for a radiation, whether ionising, or non-ionising source (including cases where the owner or holder of a radiation source does not conduct related human activities);

"work activity" means a sequence of man-made actions, involving naturally occurring radionuclides, which are not aimed at processing and, or extracting these radionuclides for their radioactive, fissile or fertile properties;

"worker" means an employee or self-employed individual who is subjected to ionising or non-ionising exposure at work.

4. (1) This Act shall apply to all practices and work Applicability.

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activities which involve a risk from ionising radiation emanating from an artificial source or from a natural radiation source in cases where natural radionuclides are or have been processed in view of their radioactive, fissile or fertile properties, namely:

(a) the manufacture, production, processing, handling, disposal, use, holding, storage, transport, supply import to and export from Malta, transit through Maltese territory and disposal of radioactive substances;

(b) the manufacture and the operation of any electrical equipment emitting ionising radiation and containing components operating at a potential difference of more than 5kV;

(c) human activities which involve the presence of natural radiation sources that lead to significant increase in the exposure of workers or members of the public;

(d) discontinuance or cessation of a practice or work activity involving radioactive substances and devices that produce radiation and are used for industrial, medical, agricultural, research, and education purposes;

(e) any other practice or work activity specified from time to time by the Commission.

(2) This Act shall apply to nuclear material used for peaceful purposes while in international transport, and as applicable to domestic use, storage and transport.

(3) This Act shall also apply to work activities which are not covered by sub-article (1) but which involve the presence of natural radiation sources and may lead to a significant increase in the exposure of workers or members of the public which cannot be disregarded from the radiation protection point of view.

(4) Without prejudice to the other provisions of this article, this Act shall also apply to any intervention in cases of radiological emergencies or in cases of lasting exposure resulting from the after-effects of a radiological emergency or a past or old practice or work activity.

(5) Without prejudice to the generality of this article and the provisions of this Act and any regulations made thereunder, this Act shall apply for any facility or equipment that emits non-ionising radiation that the Commission specifies:

Provided that, without prejudice to the generality of the provisions of this article, sub-articles (2), (3), (4), and (5) shall apply *mutatis mutandis* to the activities carried out by any member of the disciplined forces, and the crew of vessels or aircraft registered in Malta.

(6) This Act shall also apply to the exposure of workers or members of the public to indoor radon, the external exposure from building materials and cases of lasting exposure resulting from the after-effects of an emergency or past human activity.

(7) This Act shall not apply to exposures associated with situations excluded or exempted by the Commission.

(8) This Act shall not apply to radio communications apparatus, electronic communications networks and services which are subject to the requirements of any law administered by the Malta Communications Authority.

## Part II - General Principles of Protection against Ionising and Non-ionising Radiation

5. (1) The prime responsibility for the safety and security of ionising and non-ionising radiation sources rests with the undertaking: Prime responsibility.

Provided that the prime responsibility for safety and security rests with the licence holder. That responsibility cannot be delegated and includes responsibility for the activities of contractors and sub-contractors whose activities might effect safety and security.

(2) Undertakings shall promote both a safety culture and a security culture within their organisation.

6. No practice involving exposures to ionising or non-ionising radiation shall be adopted unless it produces sufficient benefit to the exposed individual or to society to offset the detriment it causes. Justification.

7. Exposure to ionising and non-ionising radiation must be kept as low as reasonably achievable, taking economic and social factors into account. Optimization.

8. (1) For the purposes of this Act the recommendations by the International Commission on Non-Ionising Radiation Protection with respect to Basic Restrictions and Reference Levels in the electromagnetic field shall be adopted as the relevant exposure limits for electromagnetic fields. Limits of exposure.

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(2) The effective ionising radiation dose to individuals shall not exceed the dose limits specified by the Commission as defined in article 10.

Graded approach.

9. A graded approach shall be applied by the Commission and the Secretariat in performing their functions.

### Part III – The Regulatory Framework

Functions of the Commission.

10. (1) There shall be set up a Commission for the Protection from Ionising and Non-Ionising Radiation, hereinafter referred to as "the Commission", which shall act as the regulatory authority in the field of nuclear safety and radiation protection. The Commission shall have such functions in respect of its structures as are set out in this Act and such other functions as may devolve upon it under any other law, or as may be assigned to it by the Minister.

(2) It shall be the function of the Commission to:

(a) draw up and establish policies and strategies in consultation with the Minister to be followed by the Secretariat, relating to the protection against ionising and non-ionising radiation and other concerns addressed by the Act;

(b) co-ordinate the preparation of regulations governing any issues made in connection with this Act;

(c) act as a body of general review of the Secretariat;

(d) provide advice to the Secretariat when required as to the interpretation of the relevant provision in this Act;

(e) be the national body which gives effect to any decision of the UN Security Council or International Atomic Energy Agency, European Commission or internationally recognised entity or competent authority in the field of nuclear safety and radiation protection whenever so directed by the Minister;

(f) implement the regulatory requirements of Conventions and other EU legislation within the scope of this Act:

Provided that the Commission shall regulate its own procedures upon consultation with the Secretariat and the Minister on all matters related to its functions on matters regulated by this Act;

(g) prescribe the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by this Act or any regulations, directive or order made thereunder and in respect of any other matters in respect of which it appears to the Commission to be expedient for the purpose of the Act, regulations, directive or order to charge fees:

Provided that the Commission may appoint for this purpose, committees or sub-committees and it may co-opt on such committees or sub-committees competent persons from outside its membership, who in the opinion of the Commission, have professional or expert knowledge on any matter dealt with under this Act; so however that the co-opted members shall not have a vote on any matter before a committee or sub-committee.

(3) Without prejudice to the generality of this article, the Commission may undertake such other activity it may deem necessary or expedient for the purposes of its functions and objectives under this Act.

(4) The Commission shall consist of a Non-Executive Chairperson, a Deputy Chairperson, and not more than nine members.

(5) The Minister shall appoint members, as expert members in the Commission, for a period of three years and such period may be extended for further periods of three years each. The Commission shall be composed as follows:

- (a) one member with regard to occupational health and safety issues;
- (b) one member with regard to environment issues;
- (c) one member with regard to the public health issues;
- (d) one member with regard to the civil protection issues;
- (e) one member with regard to transportation issues;
- (f) one member with regard to the electromagnetic field issues;
- (g) one member with regard to customs issues;
- (h) one member representing civil society; and

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(i) one member representing the field of communications:

Provided that the Minister may change the composition of the Commission so as to reflect the regulatory exigencies developing from time to time, provided that no members shall be responsible for the use of any form of ionising or non-ionising radiation.

Members of the Commission shall be allowed to be represented by a replacement at meetings of the Commission and any such replacements shall have voting rights.

The Executive Secretary shall attend all meetings of the Commission but shall not have voting rights.

(6) The Chairperson and the Deputy Chairperson shall be appointed by the Minister for a period of three years and such period may be extended for further periods of three years each:

Provided that where the Chairperson is absent from Malta or is otherwise temporarily unable to perform the functions of that office, all duties and functions of the Chairperson shall be assumed by the Deputy Chairperson.

Conduct of the affairs of the Commission.

**11.** (1) Subject to the other provisions of this Act, the affairs and business of the Commission shall be the responsibility of the Commission itself but, save as aforesaid, the conduct of the Commission, its administration and organisation shall be the responsibility of the Chairperson of the Commission, who shall have such other powers as may from time to time be delegated by the Commission.

(2) The Chairperson shall attend all the meetings of the Commission and shall have the casting vote at such meetings.

(3) The Chairperson shall be responsible for the implementation of the objectives and functions of the Commission. Without prejudice to the generality of the foregoing, the Chairperson shall be responsible for evaluating the implementation and fulfillment of the Commission's established goals and shall report directly to the Commission.

(4) The quorum for the meetings of the Commission shall be constituted by the presence of any four members and the Chairperson.

(5) The Commission shall be obliged to convene at least once every three months.

(6) The Commission shall provide a report on its activities and the activities of the Secretariat for each calendar year not later than the 15<sup>th</sup> April of the following year to the Minister.

**12.** (1) There shall be set up the Secretariat for the Commission, hereinafter referred to as "the Secretariat", which shall act as the executive of the regulatory authority in the field of nuclear safety and radiation protection. The Secretariat.

(2) The Secretariat shall have such functions as may devolve on it under any other law or as may be assigned to in writing by the Minister. In the case that other regulations are in force governing occupational, public and medical exposures, or environmental protection and safety of sources, which in some way address the uses of ionising radiation or non-ionising radiation, or any other substance the use or exposure of which is regulated by this Act, the Secretariat shall recommend to the Commission, if it considers it necessary, to make recommendations to the Minister for the reallocation of the regulatory responsibility to the Secretariat itself or to some other authority as the Secretariat after consultation with the Commission deems fit.

(3) It shall be the function of the Secretariat to:

(a) issue authorizations and grant exemptions concerning the possession and use of radiation sources;

(b) inspect, monitor and assess activities and practices for the purpose of verifying compliance with this Act, applicable regulations and the terms and conditions of authorizations and, or licences;

(c) maintain a national register of radiation sources and a national register of undertakings;

(d) gather the required data to enable an assessment of total exposure from all practices and work activities in Malta and including the distribution of the individual occupational and public exposures for each type of practice, and to enable the setting up of a national register for occupational exposure to ionising radiation;

(e) establish and maintain a national system of accounting for and control of nuclear material and a national system for the registration of licences for nuclear material, and to establish the necessary reporting and record keeping and requirements pursuant to the Safeguards Agreement, and Additional Protocol;

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(f) develop the necessary strategies for the implementation of the objectives of the Commission;

(g) advise the Commission on any matter it may refer or on any matter which is considered necessary or expedient; and any such duties as the Commission may assign from time to time;

(h) provide technical advise to the Minister or other governmental entities; and

(i) conduct any other functions that are deemed necessary by the Commission, to protect people and the environment of Malta.

(4) Without prejudice to the other provisions of this Act and to any regulations made thereunder, the Secretariat shall, following consultation with the Commission, adopt rules of procedure which shall regulate every stage of its operations.

(5) The Secretariat shall be responsible for keeping the proceedings referred to in article 12(3) and also a register wherein the findings and rulings of the Secretariat shall be entered.

Composition of the Secretariat.

**13.** (1) The Minister shall appoint a person to act as the Executive Secretary of the Secretariat, who shall be responsible for the proper and efficient organization of the Secretariat.

(2) The Executive Secretary of the Secretariat shall hold office for a period of three years and may be re-appointed on the expiry of the term:

Provided that the Executive Secretary shall remain in office on completion of the term until the Minister formally informs the Executive Secretary of the appointment of a substitute.

(3) The Executive Secretary shall appoint public officers and other employees as officers of the Secretariat on such terms and conditions as approved by the Commission.

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(4) For the purposes of the Criminal Code and of any provision of a penal nature in any other law, the members of the Commission, officers and employees of the Secretariat, shall be deemed to be public officers.

(5) An officer of the Secretariat shall be issued with means of proper identification signed by the Executive Secretary, and such document shall be produced at the time of any examination,

investigation or inspection:

Provided that the Executive Secretary shall be deemed to be an officer, and the document of identification as an officer shall be signed by the Chairperson.

(6) Officers of the Secretariat shall have the following powers:

(a) to enter freely and without previous notice in any activity, facility, practice or any other place that is deemed to be carrying out the use of unlawful activities;

(b) to request the assistance of a member of the Police Force in the execution of the officer's duties;

(c) to question, alone or in the presence of witnesses, including the person, if such is the case, putting forward the complaint, any employer or worker, including any person acting on behalf of any employer or carrying out work for such employer, on any of the matters falling under this Act or under any regulations made thereunder;

(d) to inspect any document the keeping of which is prescribed by this Act or by any regulation made thereunder, or any book, document, design, plan, or list of technical specifications which may throw light with regard to ionising safety at any particular practice or activity;

(e) to take possession, upon giving receipt therefor, of any object required for tests or as evidence of any ionising radiation accident, injury or disease, or of any alleged violation of this Act or of any regulations made thereunder;

(f) to examine or see to the examination of any practice or activity and of any object therein, and to take samples for examination of any article, substance or material found in any workplace or within its curtilage for the purpose of radiation protection, and to ensure that such samples are preserved for use as evidence in any proceedings taken in accordance with this Act;

(g) to order that nothing be disturbed at a practice or activity for any period which may be reasonably required for the purpose of any examination, investigation or inspection referred to in the foregoing paragraphs;

(h) to require the operation or the setting in motion of any equipment, machine, device, thing or process, as well as the

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operation of any system or procedure which, in the opinion of the officer, may be relevant to any examination, investigation or inspection referred to in paragraphs (a) to (e);

(i) to require any undertaking to provide at the undertaking's expense:

(i) a certificate signed by suitably qualified persons with regard to the radiation safety of any building or structure, including any temporary structures;

(ii) a certificate signed by suitably qualified persons with regard to the radiation safety of any radiation producing equipment, as the case may be;

(iii) a certificate signed by a medical practitioner relating to the medical surveillance of any worker or any class of workers, which shall be presented to the Commission;

(iv) any information relative to radiation protection, including information which refers to protective measures;

(j) to require any undertaking, agent, manufacturer, importer, supplier, user or other person to provide at their expense any document, certificate or list of technical specifications in relation to any matter concerning radiation protection, the method of handling or use of any radiation producing equipment, machinery, article, substance or chemical which is used or intended to be used; and

(k) for the purposes of a prosecution for any offence under this Act, or for the purposes of any appeal to the Appeals Tribunal against an order by an officer, to disclose to the Court or to the Appeals Tribunal such results or information received or collected during the course of the investigations.

(7) No action, disciplinary or otherwise, or other proceeding for damages, shall lie or be instituted against the Executive Secretary, or against an officer for an act done or omitted to be done by them in good faith in the execution or intended execution of any power, right or duty under this Act or any regulation made thereunder.

**14. (1)** There is hereby established a tribunal to be known as the Radiation Protection Appeals Tribunal, hereinafter referred to as "the Appeals Tribunal" to hear and decide upon appeals from any decision taken by the Secretariat.

(2) Save as otherwise provided in this article, the Appeals Tribunal shall consist of a President of the Appeals Tribunal and two members who shall be appointed as follows:

(a) the President of the Appeals Tribunal shall be one of a panel of persons appointed by the Minister, being persons who are advocates of at least seven (7) years experience and such persons shall serve as President either in turn or in accordance with such distribution of duties, and subject to such provisions as to inability to serve and other circumstances, as the persons on the said panel may with the approval of the Prime Minister, establish;

(b) the other members of the Appeals Tribunal shall be selected by the President of the Appeals Tribunal from a list of persons who are neither advocates nor legal procurators, appointed by the Minister to serve as Members of the Appeals Tribunal as occasion may require.

(3) No member or officer of any Commission may be appointed on the Appeal's Tribunal.

(4) The names of persons appointed to serve as Presidents or as members of the Appeals Tribunal shall be notified in the Gazette.

(5) The Appeals Tribunal shall consist of the President and two members whenever the appeal concerns:

(a) an order relating to the barring in full of a workplace; or

(b) orders relating to the prohibition of use of any equipment, plant, or facility which, where the order to be implemented, would result in the cessation of all work activities; or

(c) appeals by third parties that would involve the barring in full of a workplace or the cessation of all work activities.

(6) Saving the provisions of sub-article (5), the Appeals Tribunal shall consist of the President alone provided that each one of the parties may request that the appeal be heard by an Appeals Tribunal made up of the President and two members, and such requests shall be decided by the President alone during the preliminary stages of the appeal as may be prescribed by regulations which the Minister may make by virtue of sub-article (11).

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(7) The President shall have the right to administer the oath and examine witnesses.

(8) The Appeals Tribunal shall have the right to seek expert advice as it may deem fit.

(9) The Minister may from time to time vary the composition of the lists as provided in this article, but a person actually serving as a member of the Appeals Tribunal shall, notwithstanding the removal of one's name from the panel, continue to serve in the proceedings as a member until the conclusion of those proceedings and for the purpose of the interpretation of any decision given therein:

Provided that in the case of the death or other impossibility of such member to continue hearing such a case, another person shall be subrogated from the existing panel to hear the case.

(10) The Minister shall also appoint a person to act as secretary of the Appeals Tribunal.

(11) The Minister may make regulations prescribing the procedure to be used for an appeal to be made to the Secretary of the Appeals Tribunal and to regulate the procedure to be used by the Appeals Tribunal.

#### Part IV - Notification, authorization, inspection, enforcement and penalties

Notification.

**15.** (1) Any person who intends to adopt or introduce, conduct, discontinue or cease to operate a practice or work activity involving the use of ionising radiation, as well as design, manufacture, construct or assemble, acquire, import or export, distribute, sell, loan or hire, possess, locate, commission, use and operate, maintain or repair, transfer or decommission, disassemble, transport, store or dispose of radioactive material, as applicable, within a practice or work activity, shall submit to the Secretariat a formal written notification of the intention to do so giving all information required within the time limits required by the Secretariat.

(2) Any person who intends to adopt or introduce, conduct, discontinue or cease to operate a practice or work activity involving the use of non-ionising radiation that requires notification as specified by the Commission by virtue of article 4(5) shall submit to the Secretariat a formal written notification of the intention to do so giving all information required within the time limits required by the Secretariat.

(3) On submission of a formal written notification or a formal request of authorization, where appropriate the Secretariat may request a security bond:

Provided that the Secretariat must state in writing the reasons why it considered the necessity to impose such bond and the process of quantification of such bond.

**16.** (1) No activity shall be introduced, implemented, ceased or stopped, and no source shall be designed, produced, built or assembled, purchased, imported or exported, distributed, sold, borrowed or leased, possessed, located, put in operation, used or operated, maintained or repaired, transferred, transported or decommissioned, disassembled, stored or finally disposed, if not in line with relevant provisions on safety of radiation sources and, or other requirements established by this Act. Authorization.

(2) Without prejudice to the provisions of sub-article (1), the prohibition of action shall be in effect until radiation exposure, or non-ionising emittance from such an operation or source, is excluded from the contents of the relevant regulation, or until the Secretariat excludes such an operation or source from the regulatory control, including notification and authorization requests.

(3) Without prejudice to the provisions of sub-articles (1) and (2), it shall be unlawful to possess a radiation source or perform a practice involving an ionising radiation source without an authorization from the Secretariat.

(4) Without prejudice to the provisions of sub-article (2) it shall be unlawful to possess a non-ionising radiation source as specified by the Commission by virtue of article 4(5) or perform a practice involving such sources without an authorization from the Secretariat:

Provided that the Secretariat may issue staged authorizations. In such cases, before the issuance of a staged authorization, each preceding and completed stage shall be subject to full review and assessment.

**17.** Any licence or authorization issued pursuant to this Act may be suspended, modified or revoked by the Secretariat in the event of a violation of its conditions, when the conditions under which it was issued are no longer met, or in any circumstance where the Secretariat determines that continued activity under the licence or authorization would pose an unacceptable risk to people or the environment. Suspension, modification, revocation of licence or authorization.

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Primary  
responsibility.

**18. (1)** Any person or entity licenced or authorized to conduct an activity or practice shall have the primary responsibility for the safe and secure conduct of that activity or practice and for ensuring compliance with this Act and all applicable regulatory requirements and conditions of the licence or authorization related to that activity or practice.

(2) A license holder shall be liable for safe management of radioactive waste resulting from the practice involving the radioactive source.

Enforcement.

**19. (1)** The Secretariat shall have the authority to conduct announced and unannounced inspections and to carry out any other such examination as may be necessary to verify compliance with the provisions of this Act, applicable regulations and any applicable conditions of licences or authorizations.

(2) For cases representing an immediate safety or security hazard to people or the environment, the Secretariat may require the person or entity subject to enforcement action to suspend its activities, or parts thereof until the situation has been corrected. In such cases, the Secretariat may also suspend, revoke or modify the terms and conditions of the licence or authorization.

(3) In cases of persistent or extremely serious non-compliance with or violation of the terms and conditions of an authorization or a licence or in cases of significant release of radioactive material into the environment, the Secretariat may revoke the authorization or licence and require the licensee to remedy any unsafe condition.

(4) No person may threaten, insult, molest or disturb inspectors in the performance of their duties, or knowingly give an officer false information, or break or tamper with any seal made, or with any monitoring equipment installed, put up or left by an officer in a work place or, in the case of personal monitoring equipment, on a worker.

Powers of the  
Secretariat.

**20. (1)** Any officer of the Secretariat may give an order, verbally or in writing, and every person shall obey such order forthwith until such time as it is revoked by the Secretariat or the Appeals Tribunal:

Provided that the person who receives the order, whether such person is a worker or an undertaking, may defend himself from the charge of having disobeyed the order if he proves that compliance with the order would have constituted a violation under this Act:

Provided further that any order given verbally shall be

confirmed in writing and served upon the person to whom it was given within three working days.

(2) Any officer of the Secretariat may affix seals or use other means in order to ensure that any equipment cannot be operated, if ordered as such, until such a time that the order is revoked.

(3) Any officer of the Secretariat may order that a workplace or part of a workplace be condemned, and ordered to cease its operations therefrom, and may revoke any such order. When a workplace or part thereof is condemned according to the provisions of this sub-article, no person shall enter the condemned area without the Secretariat's written authorization.

(4) Any officer of the Secretariat when making an order in writing under this article, may affix in the workplace, or on any equipment, machine, apparatus, article or thing, a copy thereof, and no person except an officer authorized by the Secretariat shall remove such copy.

(5) Where any officer of the Secretariat makes an order in writing under this article, or issues a report of inspection to an undertaking or to a person in charge of work, the undertaking or person in charge of work shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places at the practice or activity where it is most likely to come to the attention of workers:

Provided that it shall also be at the discretion of the Secretariat, with the concurrence of the Commission, to publish such order in the Gazette, if it is such to safeguard the public interest.

(6) No pleas of breach of the right to a fair hearing shall be raised by the investigated party before the issuance of an order.

**21.** (1) Any person who fails to comply with the provisions of this Act, or any regulations made thereunder shall be guilty of an offence and shall be subject to the penalties established by this Act and any applicable regulations. Penalties.

(2) Any person who acts in contravention of the provisions of articles 5, 6, 7, 8, 15, 16, 18, 19, 20, 25, 28, 34, 35, 37, 38, 39, 40, 45, 47, 49, 53, 54 or 55 or in contravention of any of the provisions of any regulations made under this Act, and any person who conspires or attempts, or aids, abets, counsels or procures any other person, to contravene the provisions aforementioned, shall be guilty of an offence against this Act.

(3) Any person who, in connection with any matter under this

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Act, or under any regulations made by virtue of this Act -

(a) furnishes any information which that person knows to be false in a particular detail, or recklessly furnishes any information which is false in a particular detail; or

(b) with intent to deceive, produce, furnish, send or otherwise make use of any document which is false in a particular detail; or

(c) wilfully refuses or without lawful excuse, the proof whereof shall lie on that person, withholds any material information; or

(d) knowingly or recklessly makes any incorrect statement or entry in any record or return or on any document kept or furnished under this Act or under any regulations made thereunder; or

(e) unlawfully refuses or fails to answer to the best of that person's knowledge any question made to him by an officer in the exercise of that officer's functions; or fails to co-operate fully with an officer in the pursuance of that officer's duties; or

(f) unlawfully refuses or fails to comply with any requirement duly provided under this Act or under any regulations made by virtue of this Act; or

(g) hinders an officer in the performance of that officer's duty under this Act or under any regulations made by virtue of this Act,

shall be guilty of an offence against this Act or regulations made by virtue of this Act.

(4) Except in the case of article 39, any person who commits an offence against this Act, or regulations made by virtue of this Act, shall, on conviction, be liable to imprisonment for a period of not more than two years or to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding twelve thousand euro (€12,000), or to both such fine and imprisonment; and moreover the court may, at the request of the prosecution, cancel all or any licences, warrants or permits issued to or in the name of the person found guilty in connection with the workplace where the offence was committed:

Provided that no proceedings shall be taken against any person who, after receiving an intimation by the Commission for the payment of a penalty not exceeding five hundred euro (€500) for

having contravened the provisions of this Act or of any regulations made by virtue of this Act, pays such penalty to the Commission in either case within fifteen days from the date of receipt of such intimation.

(5) Any person who commits an offence against article 39 or acts listed in articles 57 and 59 shall be punishable with imprisonment for a period of two (2) years but not exceeding five (5) years, and, or a fine (*multa*) not exceeding five hundred thousand euro (€500,000).

(6) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against this Act shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, sitting as courts of criminal judicature. Cap. 9.

(7) In criminal proceedings instituted by the Police before the Court of Magistrates for an offence against the provisions of this Act, the Executive Secretary may assist the Police in the conduct of the prosecution and in the production of the evidence.

(8) The Executive Secretary or any officer deputed by him for the purposes of sub-article (5) may nevertheless be produced as a witness but should his evidence be required as part of the case for the prosecution, his evidence shall be heard before that of any other witness for the prosecution unless the necessity of his evidence arises subsequently.

(9) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal from any judgement given by the Courts of Magistrates (Malta) or by the Court of Magistrates (Gozo) in respect of proceedings for any offence against this Act or any regulations made by virtue of this Act. Cap. 9.

(10) The punishments provided in this Act shall apply unless the fact constitutes a more serious offence under the Criminal Code or any other law, in which case the provision of the Criminal Code or of such other law shall apply. Cap. 9.

(11) Notwithstanding the provisions of the Criminal Code proceedings for an offence under this Act may be commenced at any time within six years from the commission of the offence. Cap. 9.

**22.** Administrative remedial measures carried out by the Secretariat may include suspension, modification or revocation of a licence or authorization. Administrative remedial measures.

**23.** Any decision issued by the Secretariat, in terms of article Appeals.

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12, shall be subject to appeal on points of law and fact before the Appeals Tribunal:

Provided that any appeal on points of law shall be heard by the Court of Appeal (Civil Jurisdiction):

Provided further that any appeal from any decision referred to in article 12(5), which carries a criminal fine upon conviction, shall be subject to prosecution before the Criminal Court and subject to appeal before the Court of Appeal (Criminal Jurisdiction).

#### Part V - Radiation Protection

Establishment of legal requirements and regime of regulatory control.

**24. (1)** Without prejudice to the generality of articles 10 and 12, the Commission shall establish legal requirements and an appropriate regime of regulatory control for all exposure situations, reflecting a system of radiation protection based on the principles of justification, optimisation and limitation of exposure.

(2) The Commission shall set criteria to be met for different categories of persons involved in radiation protection activities covered by this Act or any regulations made under this Act.

Obligations of undertakings on radiation protection.

**25. (1)** All undertakings shall implement an appropriate radiation protection programme.

(2) Undertakings shall ensure that only workers who have undergone adequate radiation protection training, including the use of related equipment used in the course of their employment, shall carry out work with radiation sources or in radiation environments.

#### Part VI - Regulatory Control of Sources

Establishment of system of control on sources of radiation.

**26. (1)** The Secretariat shall establish a system of control over sources and equipment in which such sources are incorporated to ensure that they are safely managed and securely protected during their useful lives and at the end of their useful lives.

(2) Based on internationally recognized guidance, the Commission shall adopt a categorization of radioactive sources based on the potential injury to people and the environment that could result if such sources are not safely managed or securely protected.

#### Part VII - Environmental Monitoring

Environmental monitoring.

**27. (1)** The Commission shall ensure that a system for the routine monitoring of the environment, food, water, milk and animal feeds is in place.

(2) The Secretariat shall collate results and distribute and, or publish the said results as required.

(3) Other governmental agencies or other technical support organisations shall provide all support necessary for the collection and testing of samples and for monitoring the environment.

#### Part VIII - Discharges of Radionuclides to the Environment

**28.** (1) The Commission shall establish requirements for discharges to the environment including exemption levels and clearance levels.

Function of Commission and Secretariat on discharges of radionuclides to the environment.

(2) Prior approval must be obtained from the Secretariat for discharges of radioactivity to the environment above clearance and, or exemption levels.

**29.** The Secretariat shall issue discharge licences for any discharge activities it approves. Discharge licences shall specify activity limits and shall specify conditions.

Issuance of discharge licenses.

#### Part IX - Emergency Response

**30.** No licence to conduct an activity or practice, operate a facility, or possess or use a source may be granted unless and until an appropriate emergency preparedness and response plan has been developed by the applicant and reviewed by the Secretariat.

Authorized party's emergency plans.

**31.** A national emergency plan for responding to potential nuclear or radiological emergencies shall be developed and maintained by the Secretariat in conjunction with the Commission and approved by the Minister, after consultation with the Commission and other Ministers, if the Minister believes that their consultation is necessary to fulfill his functions under this Act.

Establishment and maintenance of a national emergency plan.

**32.** In the event of a nuclear or radiological emergency that poses a risk that radioactive contamination could spread beyond the territorial waters of Malta, the Commission shall immediately notify the International Atomic Energy Agency and the European Commission.

Trans-frontier emergencies.

The Commission may also decide to notify to the International Atomic Energy Agency and the European Commission of other incidents it deems relevant:

Provided that the Secretariat shall serve as the point of contact for providing any information or assistance regarding nuclear or radiological emergencies under the terms of relevant international instruments, including the Convention on Early Notification of a

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Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency:

Provided further that, subject to the international conventions, including the Vienna Convention on Civil Liability for Nuclear Damage, the Commission in conjunction with the Secretariat shall be obliged to develop the state nuclear safety plan in the event of accidents in nuclear facilities in other countries, which can affect nuclear safety status in Malta.

#### Part X - Transport, Import and Export of Radioactive Material

Regulation of the transportation of radioactive material.

**33.** The Commission shall establish requirements for the transport of radioactive material to, from and within the jurisdiction of Malta after consultation with government entities responsible for transport and the import and export of goods.

Authorization for the transportation of radioactive material.

**34.** (1) No person or entity shall engage in the transport of radioactive material without appropriate authorization from the Secretariat.

(2) Any transport of radioactive material shall be carried out in compliance with the applicable national transport regulations and with the technical requirements of the Regulations for the Safe Transport of Radioactive Material of the International Atomic Energy Agency, and applicable requirements of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), the International Maritime Organisation (IMO) and the International Civil Aviation Organisation (ICAO), as amended from time to time.

Mandatory prior notification.

**35.** (1) No import or export of radioactive material is permitted prior to notification to the Secretariat.

(2) Upon notification the Secretariat will then approve or otherwise the import or export of radioactive material.

#### Part XI - Waste

National policy and strategy.

**36.** To ensure the safe and secure management of radioactive waste in Malta, the Commission in conjunction with the Secretariat shall maintain:

(a) a national policy and strategy for radioactive waste management;

(b) applicable safety and security requirements and regulations for the protection of people and the environment

from adverse impacts of radioactive waste management activities.

**37.** The prime responsibility for ensuring the safety and security of radioactive waste inside or outside a radioactive waste facility throughout its life rests with the holder of the relevant authorization or licence:

Prime responsibility upon authorization.

Provided that the responsibility for ensuring the safety and security of radioactive waste for which no undertaking or entity can be determined shall rest with the relevant body governing matters related to the disposal of radioactive waste.

**38.** The licensee who is in possession of the radioactive waste shall be responsible for financing the disposal of the waste.

Responsibility for the financing of the disposal of waste.

**39.** The importation of radioactive waste is an offence under this Act and is punishable with imprisonment for a period of two (2) years but not exceeding five (5) years, and, or a fine (*multa*) not exceeding five hundred thousand euro (€500,000).

Illicit importation of radioactive waste.

**40.** Radioactive waste generated within Malta may be exported only upon the issuance of an authorisation or a licence by the Secretariat and provided the obligations set in the Supervision and Control of Shipments of Radioactive Waste Regulations have been met.

Export of radioactive waste is permitted upon authorization. S.L. 549.51

## Part XII - Reduction of Existing or Unregulated Risks

**41.** The Commission shall ensure that existing exposure situations that have been identified are evaluated to determine which occupational exposures and public exposures are of concern from the point of view of radiation protection.

Evaluation of exposures.

**42.** The Commission shall recommend to the Minister the justified remedial actions that need to be taken for the protection of the public and which ensure that protection and safety is optimized.

Remedial actions.

**43.** The Commission shall collate information on levels of radon indoors and the associated health risks and, if appropriate, shall establish and implement an action plan for controlling public exposure due to radon indoors.

Levels of radon.

**44.** The Commission shall establish reference levels for exposure due to radionuclides in commodities, and enforce requirements for the protection of workers in existing exposure situations.

Exposure of radionuclides.

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## Part XIII - Safeguards

Peaceful use of nuclear material.

**45.** Nuclear material in Malta shall be used exclusively for peaceful purposes and in accordance with relevant international obligations undertaken by Malta.

Verification of compliance.

**46.** To ensure compliance with the relevant commitments of Malta to the Safeguards Agreement and the Additional Protocol the Secretariat shall:

(a) verify the implementation of the obligations of Malta arising from Safeguards Agreement and the Additional Protocol;

(b) collect and provide to the European Atomic Energy Community and the International Atomic Energy Agency the information required to fully implement the Safeguards Agreement and the Additional Protocol; and

(c) facilitate access by European Atomic Energy Community and the International Atomic Energy Agency inspectors within the territory of Malta.

Cooperation in the application of safeguard measures.

**47.** All agencies of the Government of Malta and authorized or licensed persons and entities shall cooperate fully with the European Atomic Energy Community and the International Atomic Energy Agency in the application of safeguards measures, including by:

(a) promptly providing all necessary information under the Safeguards Agreement and the Additional Protocol;

(b) providing access to locations as required by the Safeguards Agreement and the Additional Protocol;

(c) providing support to the Commission, the Secretariat, the European Atomic Energy Community and the International Atomic Energy Agency inspectors in the performance of their tasks; and

(d) rendering to the Secretariat, the European Atomic Energy Community and the International Atomic Energy Agency inspectors all necessary services in connection with their inspections.

**48.** Duly authorized representatives of the Secretariat and designated inspectors of the European Atomic Energy Community and the International Atomic Energy Agency shall have access to any location or facility as provided for under the Safeguards Agreement and any protocols thereto, with a view to conducting the verification activities authorized by these instruments.

Right of access of inspectors of the European Atomic Energy Community and the International Atomic Energy Agency and the Secretariat.

**49.** Any person performing activities subject to the Safeguards Agreement and any protocols thereto shall allow the Secretariat and duly designated inspectors of the European Atomic Energy Community and the International Atomic Energy Agency to carry out any measures the Secretariat or the European Atomic Energy Community and the International Atomic Energy Agency, respectively, consider necessary or appropriate for achieving compliance with the undertakings of Malta arising from the Safeguards Agreement and additional protocol.

Obligation of access.

**50.** The Commission shall be responsible for approving the designation to Malta of inspectors proposed by the European Atomic Energy Community and the International Atomic Energy Agency.

Approval of inspectors proposed by the European Atomic Energy Community and the International Atomic Energy Agency.

**51.** The Secretariat shall arrange with other governmental entities, as required, to ensure that any necessary permission(s), including visas, where required, are issued, in an expedited manner, to enable designated inspectors of the International Atomic Energy Agency to Malta to enter and remain in the territory of Malta for the purpose of carrying out their safeguards functions in accordance with the Safeguards Agreement and any protocols thereto.

Arrangements for safeguards functions in Malta.

**52.** The Commission shall ensure the effective implementation of safeguards in Malta by establishing and implementing:

Implementation of safeguards in Malta.

- (a) a system for the measurement of nuclear material;
- (b) procedures for carrying out physical inventories;
- (c) a system of records and reports for tracking nuclear material inventories;
- (d) procedures for ensuring that accounting procedures and arrangements are being operated correctly; and
- (e) procedures for reporting to the International Atomic Energy Agency.

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Obligations of undertakings authorized to handle, use, or process nuclear material.

**53.** Undertakings authorized to possess, use, handle or process nuclear material subject to the Safeguards Agreement and any protocol thereto shall:

- (a) maintain records as prescribed by the Secretariat;
- (b) submit the prescribed reports to the Secretariat;
- (c) give notice to the Secretariat of the import or export of nuclear material, as specified by the Secretariat;
- (d) maintain physical protection and other security measures with respect to nuclear material, as specified by the Secretariat;
- (e) without delay, report to the Secretariat any loss of nuclear material in excess of limits prescribed by the Commission;
- (f) provide reports on planned future activities, as specified by the Commission;
- (g) allow authorized representatives of the Secretariat and designated officials of the European Atomic Energy Community and the International Atomic Energy Agency to carry out, without hindrance, inspections at any facility or other location as provided for under this Act, the Safeguards Agreement or any protocol thereto.

Obligation of persons conducting research and development related to the nuclear cycle.

**54.** Any person intending to carry out research and development activities related to the nuclear fuel cycle, as defined in the Safeguards Agreement and any protocols thereto, shall provide to the Secretariat information on these activities prior to their commencement.

Obligation concerning submission of information to Secretariat.

**55.** Any undertaking performing activities subject to the Safeguards Agreement or any protocol thereto shall submit to the Secretariat the information and data necessary for compliance by Malta with the undertakings by Malta arising from this Act.

Part XIV - Nuclear Security, Physical Protection  
and Illicit Trafficking

**56.** The Commission shall establish requirements for the physical protection of nuclear (and other radioactive) material, including:

Functions of the Secretariat on the protection of nuclear and other radioactive material.

(a) a categorization of nuclear (and other radioactive) material based on an assessment of the damage that could result from theft or diversion of a certain type and quantity of material from authorized uses, or from sabotage of a facility in which nuclear and other radioactive material is produced, processed, used, handled, stored or disposed of;

(b) protection measures necessary for different categories of material; and

(c) accounting and control measures for nuclear (and other radioactive) material.

**57.** In the event of theft, robbery or unlawful taking, or credible threat of unlawful taking, of nuclear (or other radioactive) material, the Secretariat shall take appropriate steps as soon as possible to inform other States or international organizations that may be affected of the circumstances of the incident.

Theft, robbery or unlawful possession of radioactive material.

**58.** The Secretariat shall be the central authority responsible for physical protection of nuclear material and for coordinating recovery and response in the event of any theft or unlawful taking of nuclear (or other radioactive) material.

Physical protection of nuclear materials.

**59.** In the event of theft or any other unlawful taking of nuclear (or other radioactive) material, the Secretariat shall be responsible for determining the necessary cooperation and assistance arrangements in the recovery and protection of such material to be agreed with any State or international organization that so requests.

Cooperation and assistance arrangements in the event of illicit possession of nuclear materials.

**60.** The Secretariat shall provide information on incidents involving the theft, robbery or any other unlawful taking of nuclear (or other radioactive) material, equipment and technology to the International Atomic Energy Agency under arrangements established by that Agency.

Provision of information on incidents involving the illicit possession of nuclear materials.

Part XV - Financial Provisions

**61.** (1) The Commission and the Secretariat shall be provided with adequate financial and human resources, through the national budget, to fulfil their responsibilities under this Act and applicable regulations.

Financial provisions.

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(2) The Commission may charge fees pursuant to article 10(2)(g):

Provided that any fees or fines collected by the Secretariat shall be paid to the Ministry for Finance.

(3) The Minister responsible for Finance may, after consultation with the Minister, make advances to the Commission of such sums as the Minister responsible for Finance may agree to be required by the Commission for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as the Minister responsible for Finance may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for Finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant, authorising the Accountant General to make such advance.

(4) The Commission shall be responsible for developing its own budget and for presenting it to the Minister for approval.

(5) The Commission shall cause to be prepared, at the end of every financial year, a financial report recording the income and expenditure of the Commission and the Secretariat and the projected estimates of the income and expenditure of Commission and the Secretariat for the next following financial year:

Provided that the estimates of the Commission for the first financial year of the Commission shall be prepared and adopted within such time as Minister may, by notice in writing to the Commission, specify.

#### Part XVI - Final Provisions

Power to make regulations.

**62.** The Minister may make regulations generally so as to give effect to the provisions of this Act, and for the better carrying out of any of the provisions of this Act including regulations implementing all international legal instruments relating to ionising and non-ionising radiation, nuclear safety and security.

Language of regulations.

**63.** (1) Regulations made under any provision of this Act may be made in the English language only.

(2) In the event of conflict or incompatibility between the Maltese and English texts of any regulations made under this Act, the English language version shall prevail.

**64.** (1) Authorisations issued by virtue of the Nuclear Safety and Radiation Protection Regulations shall remain valid until their expiry date. Transitory provisions.  
S.L. 365.15

(2) All other existing regulations relating to the use of ionising radiation shall remain in force until they are expressly revoked.

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Passed by the House of Representatives at Sitting No. 114 of the 21st May, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

