



**Commission for the Protection
From Ionising and Non-Ionising Radiation**

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**Annual report of the Commission for the
Protection from Ionising and Non-Ionising Radiation for 2020**

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1. Executive Summary

2020 was the second full year of operation of the Commission for the Protection from Ionising and Non-Ionising Radiation, hereinafter referred to as the Commission.

The Commission consists of a chairperson, deputy chairperson, nine expert members and two persons employed by OHSA in the Secretariat.

During 2020 the Commission was under the ministerial portfolio of the Ministry for Tourism and Consumer Protection.

Despite the challenges posed by insufficient staffing of the Secretariat and the COVID-19 pandemic the Commission attempted to fulfil its legal obligations emanating from the Nuclear Safety and Radiation Protection Act CAP585 (the Act)

As a result of the work of the Commission, Malta received a positive report from the international peer review mission organised through the International Atomic Energy Agency (IAEA) Integrated Regulatory Review Service (IRRS) in March.

The Commission continues to recognise that the Secretariat has insufficient human resources to comply with its legal obligations under the Act and to rectify this the Commission did all in its powers to increase the staffing of the Secretariat.

Of concern is the fact that the Commission has not started regulatory activities in relation to non-ionising radiation.

Although certain preparatory progress was made in 2020 and despite the best efforts the Commission was unable to appoint any staff to the Secretariat or finalise the new premises.

Towards the end of the year the Commission sought to clarify the legal personality of the Commission. The lack of clear separate legal personality was in part the cause of delay in staff recruitment and acquiring premises. Of particular concern was that contracts of employment could not be finalised until the issue is established whether the Commission was to form part of the public service or a separate body corporate.

2. Introduction

Pursuant to Article 11(6) of the Act the Commission is presenting this report for the attention of the Minister for Tourism and Consumer Protection.

This is the third report produced by the Commission and covers the period from 1st January 2020 to 31st December 2020.

3. Conduct of the Affairs of the Commission

There is a good working relationship between the chairperson, deputy chairperson, expert members and the Secretariat.

During 2020 the Commission moved from in-person to on-line meetings due to COVID-19 pandemic, ten formal Commission Meetings were held, seven of which were virtual.

4. Commission Premises

A potential site had been identified but no lease agreement has been signed. The potential site had the required floor area for offices, meeting rooms and laboratory space.

5. Budget

The Commission budget for 2020 was €300,000.

6. European Commission Regulatory issues

In 2020 several European Union related issues were addressed, these being:

6.1. Transposition of EU Basic Safety Standards Directive

The European Commission issued a reasoned opinion (2018/2048) in November 2019 with regard to the Maltese transposition of directive 2013/59/EURATOM, this issue was closed in October 2020.

This issue has been resolved following amendments to the Basic Standards for Ionising Radiation Regulations (SL585.01) and setting up a Radon Action Plan.

6.2. Nuclear Installations Directive

Pilot 9658/20/WNER in connection with directive 2014/87. This issue was closed in October 2020 following the revision of the Nuclear Safety Regulations (SL585.02).

6.3. Radioactive Waste Management

Infringement: 2018/2116 (of June 2018) in connection with directive 2011/70 was closed in October 2020 following the issuing of the Management of Radioactive Waste regulations (SL 585.03) and National Framework for Radioactive Waste Management.

6.4. Reporting under EURATOM Nuclear Safeguards

The Secretariat sent the 17 Safeguards reports nuclear material accountancy as required by the European Commission.

7. International obligations

7.1. 8th Review cycle on the Convention on Nuclear Safety.

Malta is a contracting party to the Convention on Nuclear Safety (CNS) and is therefore required to attend review meetings and report on the national status. In preparation to such review meetings, a number of questions needed to be answered in advance.

In August 2019, the Commission uploaded the national report to the CNS website. The report prompted 13 questions/comments from 5 contracting parties to the CNS. Answers to these questions were uploaded by the deadline of February, 2020.

Due to the COVID-19 the 8th Review meeting that was scheduled to take place in Vienna in March 2020 has been postponed to March 2023 and will be merged with the 9th Review meeting.

7.2. 7th Review cycle Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

Malta is a contracting party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and is therefore required to attend review meetings and report on the national status. In preparation to such review meetings, a number of questions need to be answered in advance.

In October 2020, the Commission uploaded the national report to the Joint Convention website. Due to the COVID-19 the 7th Review meeting that was scheduled to take place in Vienna in May 2021 has been postponed to June 2022.

8. International peer review of regulatory infrastructure

Malta, underwent an Integrated Review Regulatory Service Mission (IRRS) by a team of international peer experts organised through the International Atomic Energy Agency (IAEA) in March 2020. This followed-up the initial mission conducted in 2015 to fulfil our obligations by the EURATOM Treaty.

The Commission devoted a lot of effort in early 2020 to address as many as possible of the 42 recommendations and 7 suggestions that were made during the initial IRRS Mission in 2015.

The outcome of the IRRS mission was positive.

The executive summary report handed to Malta at the end of the mission stated that

“The IRRS team concluded that Malta, through the Commission, has been responsive to each recommendation and suggestion made in 2015, and continues to place appropriate focus on implementing a framework that provides for effective radiation safety for workers, patients, the public and the environment. 35 out of 42 recommendations and 4 out of 7 suggestions identified in 2015 have been closed. The IRRS team noted that the Maltese Government and the Commission showed a strong commitment to radiation safety.”

And the official IAEA press release stated:

“Malta has made considerable efforts in revising the legal and regulatory framework and further enhancing its alignment with IAEA safety standards,” said IRRS team leader Ritva Bly, Principal Adviser at the Finnish Radiation and Nuclear Safety Authority. “However, the Commission faces a critical situation related to human resources, in particular the training of staff and knowledge management.”

9. Memoranda of Understandings

During 2020 the Commission entered into memoranda of understandings with Malta Security Services and the Police and updated its MoU with the Customs Department.

10. Emergency preparedness

The radiological emergency plan was approved in 2020.

The collaborative work with the Accident and Emergency Department at Mater Dei Hospital to assist in their preparation of procedures in dealing with radiologically affected patients was put on hold due to COVID-19.

11. Management of Radioactive Waste

Malta is required by the European Commission to have an international peer review, organized through the IAEA on the way radioactive waste is managed within Malta. The peer review is scheduled for 2022.

The Commission initiated the development of a technical corporation project with the IAEA to support the planning for the long-term management of radioactive waste and to obtain part funding for the peer review.

12. Radiation Protection Experts and Medical Physics Experts

Under the Basic Safety Standards Regulations (SL 585.01) employers, depending on the nature of their work, may need to seek use the services of Radiation Protection Experts (RPE) and Medical Physics Experts (MPE).

The Commission drafted policies to recognise RPEs and MPEs. In drawing up these policies the Commission made reference to existing EU and other recommendations and guides.

An initial consultation with stakeholders was launched in August 2020. Feedback was received from nine stakeholders. Using this feedback the draft policies were revised in preparation for a second round of consultations to be performed in 2021.

13. Radon

The issue of Radon, a naturally occurring radioactive gas falls within the scope of the Basic Safety Standards Regulations (SL 585.01).

The Commission approved a Radon Action Plan and set up a Radon Working Party (RWP) to look into the issue of radon within the Maltese Islands. As well as reviewing the existing literature on the subject the RWP initiated a survey of the radon levels in subterranean work areas.

14. IAEA technical support project for the Commission

2020 saw the start of an IAEA technical cooperation project with the Commission entitled “Developing New Regulatory Authority Structures” (MAT 9008). This project included the IRRS follow-up Mission and was mostly funded by the IAEA.

15. Non-ionising Radiation

The Commission was unable to effectively start any work on the regulation of non-ionising radiations due to lack of resources in the Secretariat.

The Commission being aware that more attention needs to be paid to the issues related to non-ionising radiation, will be giving priority to this area once the human resources plan is implemented and new staff is recruited.

16. The Secretariat.

The Lack of adequate staffing of the Secretariat in 2020 limited the regulatory functions of the Commission.

The Secretariat remained with no official assigned employees, the work of the Secretariat was performed by two employees of the Occupational Health and Safety Authority.

The Industrial Relations Unit grading structure includes the following positions:

- Chief Executive Officer/Executive Secretary;
- Quality and Operations Manager;
- Radiation Officer;
- Clerk.

By December 2020, none of the above positions had been filled but the call for applications for three “Radiation Officers” had been issued but no employment has taken place. The recruitment of staff will be dependent on the outcome of the legal clarification of the legal personality of the Commission.



Dr Lourdes Farrugia
Chairperson
12th April, 2021



Mr Paul Brejza
Executive Secretary
12th April, 2021