

Convention on Nuclear Safety

National Report by Malta for the 8th Review Meeting

Made in connection with Article 5 of the Convention on Nuclear Safety

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List of Acronyms and Abbreviations

BSS	Basic Safety Standards
EU	European Union
EURDEP	European Radiological Data Exchange Platform
IAEA	International Atomic Energy Agency
IRRS	Integrated Regulatory Review Service
ITDB	IAEA Incident and Trafficking Data Base
LN	Legal Notice
RB	Regulatory Body
RPC	Commission for the Protection from Ionising and Non-Ionising Radiation

Introduction.

Background

Malta became Party to the Convention on Nuclear Safety (hereinafter referred to as the Convention) on 13th February 2008.

Malta is committed to complying with all relevant international legal instruments in the nuclear field, including the Convention and seeks to continuously improve safety with its available resources.

Malta is a member state of the European Union (EU) and therefore is required to comply with the requirements of the Euratom Treaty
<https://www.consilium.europa.eu/en/documents-publications/publications/euratom-treaty/>

This report builds upon the previous four Maltese national reports (4th, 5th, 6th and 7th national reports) and seeks to highlight the progress and challenges faced by Malta.

Since the last Convention review meeting Malta has made substantial progress in improving its legislative and regulatory framework. Following the IRRS review mission to Malta in 2015, Malta has issued a new nuclear safety and radiation protection law as well as regulations falling under this law.

This report will give the status of Malta's response to the challenges and the suggestion that were identified at the 7th review meeting of the Convention.

Malta's position with respect to nuclear issues

Malta does not operate or plan to operate any form of nuclear installation as defined by the Convention, nor any research reactors.

The size and the population of the Maltese Islands are such that it is unlikely that there will be any nuclear facilities (or research reactors) sited within Malta.

The nearest nuclear power reactors are found in mainland Europe, the closest currently the Krško Nuclear Power Plant in Slovenia which is 1100 km away from Malta.

Usage of ionizing radiation in Malta

Malta uses ionizing radiation in medical applications, industrial applications (including non-destructive testing) as well as limited use in research and teaching.

Applicability of Convention to Malta

In view of the fact that Malta does not have any nuclear installations, as defined in the Convention, the following articles: 11, 12, 13, 14, 17, 18, and 19 have not been included in this report in view that as they deal with nuclear installations.

Summary.

Regulatory Framework

Malta's commitments to being a member of the IAEA and the EU led to its legislation to be based on the requirements of both the IAEA and the EU.

Since the last 7th Review Meeting, Malta has been working on the findings of the IRRS mission in 2015 and is preparing for the follow-up IRRS mission scheduled for 2020. Malta's initial focus has been on reform of its legislative and regulatory framework and to this end the following new legislative instruments being enacted:

Nuclear Safety and Radiation Protection Act (published 2018)

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29089&l=1>

Basic Safety Standards for Ionising Radiation Regulations (published 2018)

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12865&l=1>

Nuclear Safety Regulations (published 2018)

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12905&l=1>

Management of Radioactive Waste Regulations 585.03 (published 2019)

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=13006&l=1>

A new regulatory body was set up in accordance with the Nuclear Safety and Radiation Protection Act called **Commission for the Protection from Ionising and Non-Ionising Radiation** (RPC)

Regulatory Body

The RB for Malta is the **Commission for the Protection from Ionising and Non-Ionising Radiation** (RPC). The RPC has a Secretariat with two full-time specialists in the field of radiation protection. The Secretariat is the executive branch of the RPC.

The RPC is developing a management system that will ensure that all the regulatory tasks are performed as efficiently and effectively as possible.

The RPC is funded from central government through the Ministry of European Affairs and Equality.

Discussions are at an advanced state with the Ministry responsible for the RPC to obtain clearance for adequate human resource needs for the Secretariat

Emergency Preparedness

The national radiological emergency plan, which was approved in August 2010, forms the structure for emergency response.

IRRS mission to Malta in 2015

Malta was subject to an IRRS mission in 2015, the full report can be accessed at: https://www.iaea.org/sites/default/files/documents/review-missions/irrs_report_malta_26may2015.pdf,

The main findings, taken from the Executive Summary of the report are:

- *The government of Malta should develop a policy for nuclear and radiation safety to achieve the fundamental safety objective and apply the fundamental safety principles in accordance with national circumstances and with the radiation risks associated with facilities and activities in the country.*
- *There is a need for a dedicated nuclear and radiation safety Act to regulate those engaged in activities related to ionizing radiation and establish a legal framework for conducting such activities in a manner which protects individuals, workers and the environment.*
- *A regulatory body should be established in the Act, effectively independent in its decision-making and functionally separate from entities having responsibilities or interests that could unduly influence its decisions.*
- *The government should make provision for building and maintaining the competence of all parties having responsibilities in relation to safety of facilities and activities and ensure there will be sufficient regulatory staff having the necessary skills and experience to fully implement the regulatory programme for Malta now and into the future.*
- *The government should establish within the legal framework for radiation safety, processes for establishing or adopting, promoting and amending regulations and guides, including consultation, with account taken of internationally agreed standards and the feedback of relevant experience.*
- *A management system should be implemented by the regulatory body to ensure its regulatory responsibilities are discharged efficiently, effectively, consistently.*

- *A number of recommendations, of a technical nature with regard to medical exposure, patient protection, occupational radiation protection and other areas, should be expedited, primarily by the regulatory body, to ensure the radiation protection and safety of the public, patients, workers and the environment of Malta.*

The follow-up IRRS mission is scheduled for 2020.

Implementation of Challenges and Suggestions from the 7th Review meeting

The challenges identified and suggestion from the 7th review meeting were

Challenge 1: Enabling the new Act and incorporating existing regulations under the new Act. (new)

Action taken: Act came into force during 2018 and a number of regulations were issued under the Act

Challenge 2: Attracting experienced additional employees to the RPB. (new)

Action taken: Human resource plan drawn-up, awaiting clearance to start recruitment process

Challenge 3: Lack of human resources.

Action taken: Human resource plan drawn-up, awaiting clearance to start recruitment process

Suggestion 1: Malta to join to the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency

Action taken: Discussed by RB but no decision taken to date

Article by Article Review

Article 7. Legislative and regulatory framework

Article 7 (1)

7(1) Each Contracting Party shall establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations.

The below table lists the legislative and regulatory instruments enacted since the last review meeting

Reference	Title
CAP 585	Nuclear Safety and Radiation Protection Act
SL 585.01 LN 210/2018	Basic Safety Standards for Ionising Radiation Regulations
SL 585.02 LN 323/2018	Nuclear Safety Regulations
SL 585.03 LN 123/2019	Management of Radioactive Waste Regulations Maltese National Radioactive Waste Management Policy

The complete list of legislative and regulatory instruments is contained within the Annex.

Nuclear Safety and Radiation Protection Act

In 2018 a new law was enacted, entitled the Nuclear Safety and Radiation Protection Act (CAP 585) henceforth referred to as the Act.

The scope of the Act is given in Article 2 of the Act and is reproduced below:

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

- (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 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.

The current regulatory system governing the safety of potential nuclear installations in Malta is included within the Nuclear Safety and Radiation Protection Regulations 2003 (LN 44/2003, published in January 2003)

To date three regulations have been published under the Act (refer to next section of this report) The RPC is in the process of transferring other regulations, enacted before the Act came into force, on radiation and nuclear issues to fall under the Act.

Article 7 (2)(i)

*The legislative and regulatory framework shall provide for:
(i) the establishment of applicable national safety requirements and regulations;*

To date the following three regulations have been introduced under the Act

- Basic Safety Standards for Ionising Radiation Regulations (BSS Regulations)
- Nuclear Safety Regulations
- Management of Radioactive Waste Regulations

The complete list of all legislative instruments is given within in the Annex

Basic Safety Standards for Ionising Radiation Regulations

The subject matter and scope of the Basic Safety Standards (BSS) Regulations are given in regulation 2 as:

2. (1) *These regulations establish the basic safety standards for the protection of the health of individuals subject to occupational, medical and public exposures against the dangers arising from ionising radiation.*

(2) *These regulations apply to any planned, existing or emergency exposure situation which involves a risk from exposure to ionising radiation which cannot be disregarded from a radiation protection point of view or with regard to the environment in view of long-term human health protection.*

(3) *These regulations also provide for the security of radioactive material and define specific requirements ensuring that each such source is kept under control.*

(4) *These regulations in particular apply to:*

(a) *the manufacture, production, processing, handling, disposal, use, storage, holding, transport, import to, and export from Malta of radioactive material;*

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

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

(i) *the operation of aircraft in relation to the exposure of crews;*

(ii) *the processing of materials containing naturally-occurring radionuclides;*

(d) *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 a past human activity;*

(e) *the preparedness for, the planning of response to and the management of emergency exposure situations that are deemed to warrant measures to protect the health of members of the public or workers.*

(5) *These regulations shall not apply to:*

(a) *exposure to the natural level of radiation, such as radionuclides contained in the human body and cosmic radiation prevailing at ground level;*

(b) *exposure to cosmic radiation in flight by members of the public or workers other than aircrew;*

(c) *aboveground exposure to radionuclides present in the undisturbed earth's crust.*

Nuclear Safety Regulations

The regulation which transposes Malta's obligation under the Convention of Nuclear Safety is the Nuclear Safety Regulations 585.02 (published 2018).

The Objectives and scope are given in regulations 2 and 3 as:

2. *The objectives of these regulations is to:*

(a) support the European Union an international effort to achieve and maintain a high level of nuclear safety worldwide through national measures and international co-operation;

(b) to ensure that national arrangements are in place to protect workers, the general public and the environment against potential radiological hazards from nuclear facilities.

3. (1) This regulation:

(a) shall apply to the safety of nuclear facilities;

(b) supplements the Act and Basic Safety Standards for Ionising Radiation Regulations, as regards the nuclear safety of nuclear facilities.

Management of Radioactive Waste Regulations

The scope of the Radioactive Waste Regulations is given in regulation 2 as:

2. (1) The objective of these regulations is to ensure that radioactive waste is managed in a manner that protects human health and the environment now and, in the future, without imposing undue burdens on future generations.

(2) These regulations:

(a) provide the arrangements for safety in radioactive waste management to protect workers and the general public against the dangers arising from ionising radiation;

(b) apply to all stages of: radioactive waste management, from generation to disposal, when the radioactive waste results from civilian activities;

(c) provide for the necessary public information and participation in relation to radioactive waste management while having due regard to security and proprietary information;

(d) bring into effect the provisions of Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste and the International Atomic Energy Agency's Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management; and

(e) provide additional measures, procedures and guidance to those mentioned in Basic Safety Standards for Ionising Radiation Regulations.

Article 7 (2)(ii)

The legislative and regulatory framework shall provide for:

(ii) a system of licensing with regard to nuclear installations and the prohibition of the operation of a nuclear installation without a licence;

Undertakings are required by the Act and the BSS regulations to notify the RPC to request an authorisation. The authorisation may take the form of a licence or registration.

References:

- *Article 15, 16 of the Act*
- *Regulation 32-39 of BSS Regulations*

Any person who fails to comply with any provisions of the Act or its regulations shall be guilty of an offence.

References

- *Article 21 of the Act*

Article 7 (2)(iii)

The legislative and regulatory framework shall provide for:

(iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance with applicable regulations and the terms of licences;

The Act gives the authority to the Secretariat of the RPC to conduct announced and unannounced inspections. The number of inspections performed over the past three years 83 inspections in 2016, 84 inspections in 2017 and 77 inspections in 2018. The inspections were focused mainly on medical exposure control.

References

- *Article 19(1) of the Act*

Article 7 (2)(iv)

The legislative and regulatory framework shall provide for:

(iv) the enforcement of applicable regulations and of the terms of licences, including suspension, modification or revocation.

The Act gives the power of enforcement to the Secretariat of the RPC

References

- *Article 19(1) of the Act*

Article 8. Regulatory Body**Article 8 (1)**

1. Each Contracting Party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework referred to in Article 7, and provided with adequate authority, competence and financial and human resources to fulfil its assigned responsibilities.

The RB for Malta is the ***Commission for the Protection from Ionising and Non-Ionising Radiation*** (RPC), which was set up by virtue of Article 10 of the Act which states:

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

(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.

The members of the RPC and the Executive Secretary were appointed in October 2018. The RPC held a total of 9 meetings in the period October 2018 to mid-August 2019.

The executive functions of the regulatory body are performed by the Secretariat of the RPC, The Secretariat functions are given in Article 12 of the Act: -

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.

(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;

(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;

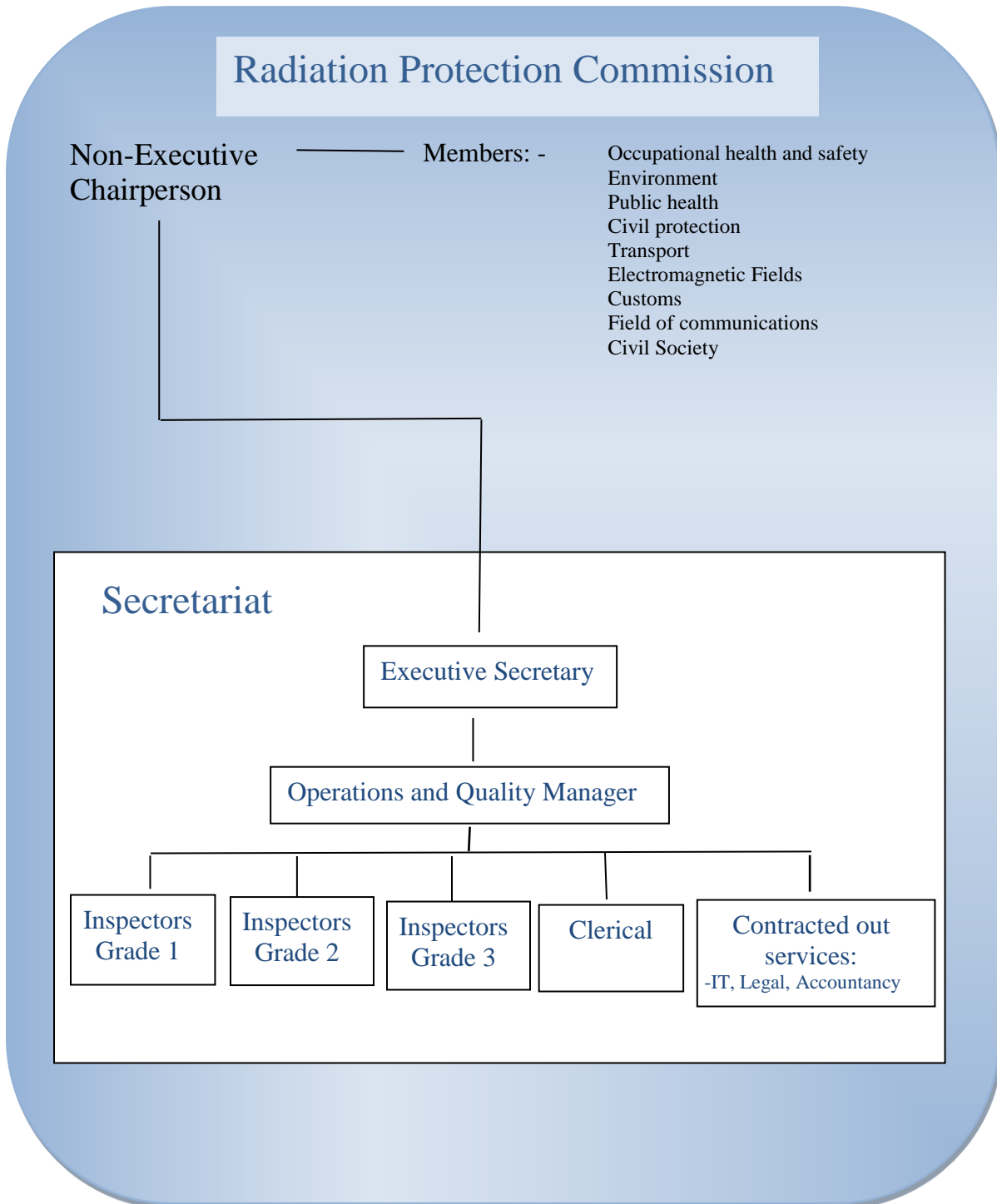
(h) provide technical advise to the Minister or other governmental entities;
and

(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.

RPC, including the proposed structure of the Secretariat is:



The RPC presented a human resource plan to the Ministry. Discussions are ongoing with the Ministry with a view to start the recruitment of personnel for the secretariat.

As an interim measure two full-time personnel in the Radiation Protection Section within the Occupational Health and Safety Authority are coordinating the work of the secretariat.

Article 8 (2)

2. Each Contracting Party shall take the appropriate steps to ensure an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy.

The Act created RPC as an effectively independent regulatory body that has functional separation from entities having responsibilities or interests that could unduly influence its decision-making.

The RPC independence is guaranteed in that:

(a) RPC position in government structure

The definition of the Minister given in the Act states that the Minister must not have any responsibilities with regard to the use of ionising radiation.

References

- *Article 3 definition of Minister of the Act*

The RPC currently falls under the Ministry for European Affairs and Equality

<https://meae.gov.mt/en/Pages/default.aspx>

The areas of responsibility of the Ministry are given its portfolio which can be viewed at:

<https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Pages/Ministries%202017/MEAER-Portfolio.aspx#>

(b) Independence of members of RPC

The Minister appoints the Chairperson, Deputy Chairperson, Executive Secretary and members of the RPC.

The Act states that no members of the RPC shall be responsible for the use of any form of ionising radiation.

References

- *Article 10(5), 10(6) 13(1) of the Act*

(c) Financial independence of RPC

Financial independence is guaranteed by Article 61 of the Act:

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.

(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.

Article 9. Responsibility of the License Holder

Each Contracting Party shall ensure that prime responsibility for the safety of a nuclear installation rests with the holder of the relevant licence and shall take the appropriate steps to ensure that each such licence holder meets its responsibility.

Both the Act and the BSS regulations place the prime responsibility for the safety and security of ionising and non-ionising radiation sources rests with the undertaking:

References

- *Article 5 of the Act*

- *Regulation 5(3) of BSS Regulations*

Article 10. Priority to Safety

Each Contracting Party shall take the appropriate steps to ensure that all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.

The principle that the undertaking has the prime responsibility for safety and security is given in the Act.

References

- *Article 5 and 18 of the Act*
- *Regulation 5(3) of BSS Regulations*

Further obligations of the undertaking with regard to implementing a radiation protection programme and ensuring adequate training is given in Article 25 of the Act

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.

Article 15. Radiation Protection

Each Contracting Party shall take the appropriate steps to ensure that in all operational states the radiation exposure to the workers and the public caused by a nuclear installation shall be kept as low as reasonably achievable and that no individual shall be exposed to radiation doses which exceed prescribed national dose limits.

Dose constraints and dose limits for workers and the public are specified in the BSS regulations. The undertaking has the responsibility to ensure compliance with dose constraints and dose limits.

In the event of an emergency in Malta the generic intervention/action levels are given in the emergency operating procedures.

References

- *Regulation 6-13 of BSS Regulations*

Article 16. Emergency Preparedness

1. Each Contracting Party shall take the appropriate steps to ensure that there are on-site and off-site emergency plans that are routinely tested for nuclear installations and cover the activities to be carried out in the event of an emergency

For any new nuclear installation, such plans shall be prepared and tested before it commences operation above a low power level agreed by the regulatory body.

2. Each Contracting Party shall take the appropriate steps to ensure that, insofar as they are likely to be affected by a radiological emergency, its own population and the competent authorities of the States in the vicinity of the nuclear installation are provided with appropriate information for emergency planning and response.

3. Contracting Parties which do not have a nuclear installation on their territory, insofar as they are likely to be affected in the event of a radiological emergency at a nuclear installation in the vicinity, shall take the appropriate steps for the preparation and testing of emergency plans for their territory that cover the activities to be carried out in the event of such an emergency.

National Plan

Article 31 of the Act requires that the Secretariat maintains a national radiological emergency plan. Article 31 states:

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 fulfil his functions under this Act.

Malta has a national radiological emergency plan. The emergency plan was completed following a radiological emergency threat assessment (using IAEA methodology).

The scope of the threat assessment document is to identify the radiological threats in the event of an incident that would require the radiological emergency procedures to be activated.

The scope of the radiological emergency plan document is to:

- Provide a framework for the operation of the activities by government entities to mitigate the effects of the risks identified in threat assessment document
- Outline the government entities likely to be involved and their responsibilities.

- Place responsibilities on each government agency involved in the plan to develop its own procedures

The review of the medical response capabilities in the event of a radiological emergency has not been completed

Resources available for emergency response

The Civil Protection Department is fully equipped with field equipment and has undergone both initial training in radiological response with the assistance of the IAEA and also has undergone further training in this area as part of the national radiological, biological chemical response plan.

On-site Plans

Article 30 of the Act requires undertakings to have in place onsite emergency procedures.

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.

Testing of emergency procedures

The last time the plan was used was in December 2013 during the recovery of buried radioactive source.

Emergency monitoring

Data capture from the Maltese gamma dose environmental monitor is managed by the Environment and Resources Authority and is sent on an hourly basis to the Civil Protection Department 24 hour response centre and to European Radiological Data Exchange Platform (EURDEP) system. In the event of a nuclear incident in Europe, Malta would access EURDEP real-time data.

Exchange of information

Malta participates in the European Community Urgent Radiological Information Exchange (ECURIE) system.

In the event of a radiological emergency the public would receive information from the RPC

Annexes

National Legislation

Reference	Date	Title
SL 365.15 LN 156/2001	23-Jul-2001	Comprehensive Nuclear-Test Ban Treaty Regulations. http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=18795&l=1
SL 365.15 LN 44/2003	28-Jan-2003	Nuclear Safety and Radiation Protection Regulations, 2003 http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=18319&l=1
SL117.14 LN 242/2004	30-Apr-2004	Importation Control Regulations, 2004 http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=16612&l=1
SL 365.15 LN 416/2004	20-Sep-2004	Dual-use Items (Export Control) Regulations, 2004 http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=16695&l=1
SL 365.20 LN182/2007	10-Jul-2007	Treaty on the Non-Proliferation of Nuclear Weapons (Euratom Safeguards and Additional Protocol) Regulations, 2007 http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=19527&l=1
CAP 585	25-May-2018	Nuclear Safety and Radiation Protection Act http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=29089&l=1
SL 585.01 LN 210/2018	3-Jul-2018	Basic Safety Standards for Ionising Radiation Regulations http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12865&l=1
SL 585.02 LN 323/2018	15-July-2018	Nuclear Safety Regulations http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12905&l=1
SL 585.03 LN 123/2019	18-Jun-2018	Management of Radioactive Waste Regulations http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=13006&l=1 Maltese National Radioactive Waste Management Policy https://meae.gov.mt/en/Documents/National%20Framework%20for%20Radioactive%20Waste%20Management%20v3%20May2019.pdf or http://ohsa.org.mt/Portals/0/Docs/Sectors/RadiationProtection/National%20Framework%20for%20Radioactive%20Waste%20Management%20v3%20May2019.pdf

Treaties, Conventions & Agreements Malta is party to

Title	
Comprehensive Nuclear-Test Ban Treaty	Ratification 23-Jul-2001
Convention on the Physical Protection of Nuclear Material	Entry into force 15 Nov 2003
Euratom Treaty	Entry into force 1 May 2004
Amendment to the Convention on the Physical Protection of Nuclear Material	Acceptance 16-Dec-2013
Agreement between the European Atomic Energy Community, its non-nuclear weapon Member States and the IAEA	Entry into force 1-Jul-2007
Convention on Nuclear Safety	Entry into force 13-Feb-2008
Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management	Entry into force 15-Dec-2013

Illicit Trafficking Data Base

Malta joined the IAEA Illicit Trafficking Data Base on 13th May 2009

Code of Conduct on the Safety and Security of Radioactive Sources.

March 2004

Malta declared its support Code of Conduct on the Safety and Security of Radioactive Sources.

April 2015

Malta declared support Code of Conduct on the Safety and Security of Radioactive Sources, and supplementary Guidance on the Import and Export of Radioactive Sources