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CODE OF PRACTICE ON THE INTERNATIONAL TRANSBOUNDARY MOVEMENT OF RADIOACTIVE WASTE

On 21 September 1990, the General Conference, by resolution GC(XXXIV)/RES/530, adopted a Code of Practice on the International Transboundary Movement of Radioactive Waste and requested the Director General - inter alia - to take all necessary steps to ensure wide dissemination of the Code of Practice at both the national and the international level.

The Code of Practice was elaborated by a Group of Experts established pursuant to resolution GC(XXXII)/RES/490 adopted by the General Conference in 1988.

The text of the Code of Practice is reproduced herewith for the information of all Member States.

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CODE OF PRACTICE ON THE INTERNATIONAL TRANSBOUNDARY MOVEMENT
OF RADIOACTIVE WASTE

The Group of Experts,

- (i) Taking note that nuclear power generation and the utilization of radioisotopes involve the generation of radioactive waste,
- (ii) Aware of the potential hazards for human health and the environment that could result from the improper management or disposal of radioactive waste,
- (iii) Aware of public concern about any unauthorized international transboundary movement of radioactive waste, particularly to the territory of developing countries, and the danger of improper management and disposal of such waste,
- (iv) Aware of the need to continue to promote high standards of radiation protection worldwide and to strengthen international co-operation, both multilateral and bilateral, in the field of nuclear safety and radioactive waste management,
- (v) Emphasizing that such co-operation should take into account the needs of developing countries and may include the exchange of information, the transfer of technology and the provision of assistance,
- (vi) Taking into account the IAEA's safety principles, which require, inter alia, that "policies and criteria for radiation protection of populations outside national borders from releases of radioactive substance should not be less stringent than those for the population within the country of release",^{1/}

^{1/} Safety Principles and Technical Criteria for the Underground Disposal of High-level Radioactive Wastes, Safety Series 99, 1989.

(vii) Taking into account the IAEA safety standards and guidelines relevant to the international transboundary movement of radioactive waste, including standards and guidelines for radiological protection, the safe transport of radioactive material, the safe management and disposal of radioactive waste, the safety of nuclear facilities, and the physical protection of nuclear materials,

(viii) Recalling the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency,

(ix) Mindful of the relevant principles and norms of international law,

(x) Taking into account the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other relevant international instruments, and

(xi) Recognizing the global role of the IAEA in the area of nuclear safety, radiation protection and radioactive waste management and disposal;

DECIDES that the following Code of Practice should serve as guidelines to States for, inter alia, the development and harmonization of policies and laws on the international transboundary movement of radioactive waste.

I. SCOPE

This Code applies to the international transboundary movement of radioactive waste.

It relies on international standards for the safe transport of radioactive material and the physical protection of nuclear material, as well as the standards for basic nuclear safety and radiation protection and radioactive waste management; it does not establish separate guidance in these areas. Furthermore, this Code, which is advisory, does not affect in any way existing and future arrangements among States which relate to matters covered by it and are compatible with its objectives. ^{2/}

II. DEFINITIONS

For the purpose of this Code:

"radioactive waste" is any material that contains or is contaminated with radionuclides at concentrations or radioactivity levels greater than the "exempt quantities" ^{3/} established by the competent authorities and for which no use is foreseen. ^{4/}

"disposal" means the emplacement of waste in a repository, or at a given location, without the intention of retrieval.

"management" means all activities, administrative and operational, that are involved in the handling, treatment, conditioning, transportation and storage of waste.

"competent authority" means an authority designated or otherwise recognized by a government for specific purposes in connection with radiation protection and/or nuclear safety.

^{2/} Nothing in this Code prejudices or affects in any way the exercise by ships and aircraft of all States of maritime and air navigation rights and freedoms under customary international law, as reflected in the 1982 United Nations Convention on the Law of the Sea, and under other relevant international legal instruments.

^{3/} "Exempt quantities", in relation to radioactive waste, are levels of radionuclide concentration, surface contamination, radiation and/or total activity below which the competent authority decides to exempt from regulatory requirements because the individual and collective effective dose equivalents received from them are so low that such levels are not significant for purposes of radiation protection. Such exempt quantities should be agreed by the competent authorities in the countries concerned with the international transboundary radioactive waste movement.

^{4/} Spent fuel which is not intended for disposal is not considered to be radioactive waste.

III. BASIC PRINCIPLES

GENERAL

1. Every State should take the appropriate steps necessary to ensure that radioactive waste within its territory, or under its jurisdiction or control is safely managed and disposed of, to ensure the protection of human health and the environment.
2. Every State should take the appropriate steps necessary to minimize the amount of radioactive waste, taking into account social, environmental, technological and economic considerations.

INTERNATIONAL TRANSBOUNDARY MOVEMENT

3. It is the sovereign right of every State to prohibit the movement of radioactive waste into, from or through its territory.
4. Every State involved in the international transboundary movement of radioactive waste should take the appropriate steps necessary to ensure that such movement is undertaken in a manner consistent with international safety standards.
5. Every State should take the appropriate steps necessary to ensure that, subject to the relevant norms of international law, the international transboundary movement of radioactive waste takes place only with the prior notification and consent of the sending, receiving and transit States in accordance with their respective laws and regulations.

6. Every State involved in the international transboundary movement of radioactive waste should have a relevant regulatory authority and adopt appropriate procedures as necessary for the regulation of such movement.

7. No receiving State should permit the receipt of radioactive waste for management or disposal unless it has the administrative and technical capacity and regulatory structure to manage and dispose of such waste in a manner consistent with international safety standards. The sending State should satisfy itself in accordance with the receiving State's consent that the above requirement is met prior to the international transboundary movement of radioactive waste.

8. Every State should take the appropriate steps to introduce into its national laws and regulations relevant provisions as necessary for liability, compensation or other remedies for damage that could arise from the international transboundary movement of radioactive waste.

9. Every State should take the appropriate steps necessary, including the adoption of laws and regulations, to ensure that the international transboundary movement of radioactive waste is carried out in accordance with this Code.

INTERNATIONAL CO-OPERATION

10. The sending State should take the appropriate steps necessary to permit readmission into its territory of any radioactive waste previously transferred from its territory if such transfer is not or cannot be completed in conformity with this Code, unless an alternative safe arrangement can be made.^{5/}

^{5/} The above would not apply to waste which is associated with, or result from, a service provided by the sending State to the receiving State and which is subject to a contractual arrangement between them that such waste be returned to the receiving State.

11. States should co-operate at the bilateral, regional and international levels for the purpose of preventing any international transboundary movement of radioactive waste that is not in conformity with this Code.

IV. ROLE OF THE IAEA

The IAEA should continue to collect and disseminate information on the laws, regulations and technical standards pertaining to radioactive waste management and disposal, develop relevant technical standards and provide advice and assistance on all aspects of radioactive waste management and disposal, having particular regard to the needs of developing countries.

The IAEA should review this Code as appropriate, taking into account experience gained and technological developments.