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[Unofficial translation using MSWord Translator]

Law No. 106/AN/20/8th L on Radiological and Nuclear Safety, Nuclear Security and Safeguards Enforcement.

THE NATIONAL ASSEMBLY ADOPTED THE PRESIDENT OF THE REPUBLIC PROMULGATED THE FOLLOWING LAW:

Having regard to the Constitution of 15 September 1992;

HAVING REGARD to Constitutional Law No. 92/AN/10/6th L of 21 April 2010 revising the Constitution;

HAVING REGARD to Law No. 108/AN/96/3rd L on the accession of the Republic of Djibouti to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

HAVING REGARD to Law No. 146/AN/11/6th L ratifying the Convention on the Physical Protection of Nuclear Material and amending it;

HAVING REGARD to Law No. 147/AN/11/6th L ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism;

HAVING REGARD to Law No. 87/AN/15/7th L ratifying the Safeguards Agreement and its Additional Protocol between the Republic of Djibouti and the International Atomic Energy Agency (IAEA);

Decree No. 2019-095/PRE of 5 May 2019 appointing the Prime Minister;

Decree No. 2019-096/PRE of 5 May 2019 appointing the members of the Government;

Decree No. [2019-116/PRE](#) of 26 May 2019 setting out the powers of the members of the Government;

HAVING REGARD to Circular No. 51/PAN of 01/02/2021 convening the National Assembly in Extraordinary Session;

The Council of Ministers heard at its session of October 13, 2020.

CHAPTER I: GENERAL PROVISIONS

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Article 1: This law relates to radiological and nuclear safety, nuclear security and the application of safeguards.

It aims to:

- * Ensure the protection of people and the environment, now and in the future, against the harmful effects of ionizing radiation as well as the safety of installations and activities involving ionizing radiation;
- * To ensure the prevention, detection and response to malicious acts involving nuclear and other radioactive materials;
- * To ensure the peaceful uses of nuclear energy and ionizing radiation, in particular the implementation of the commitments entered into by the State.

Article 2: The provisions of this Law shall apply to all activities and practices as well as to installations involving sources of ionizing radiation on the territory of the Republic of Djibouti, including in free zones.

Article 3: The provisions of this law do not apply to exposures due to:

- * natural radioactivity in the human body;
- * cosmic radiation on the earth's surface; and
- * any other exposure as determined by the regulatory authority because it cannot be under regulatory control.

Article 4: The following are prohibited:

- (a) practices which, by intentional addition of radioactive material or by activation, result in an increase in activity in foodstuffs, animal feed, beverages, cosmetics or other goods or

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products of any kind, intended to be incorporated by ingestion, inhalation or through the skin into or applied to a person's body, or in the manufacture of goods and products for domestic and private use and building materials;

(b) the use of radioactive materials in goods or consumer products such as toys and jewellery or adornments, which cause, by the intentional addition of radioactive substances or by activation, an increase in activity;

(c) the import and export of the items referred to in subparagraphs (a) and (b) of this Article;

d) human radiological imaging used for artistic or advertising purposes;

(e) the import of radioactive waste;

(f) the shipment of radioactive waste for storage or final disposal to a destination south of 60° south latitude;

(g) an activity related to the acquisition or development of nuclear explosives, radioactivity dispersing devices or other non-peaceful uses of nuclear or other radioactive material and related technology, or to assist others in carrying out such activities.

Article 5: For the purposes of this law, the following definitions are allowed:

Accident: an unintentional event, including incorrect manoeuvres, equipment failures or other anomalies, the actual or potential consequences of which are not negligible from the point of view of protection or safety;

Nuclear accident: any fact or sequence of events of the same origin which causes nuclear damage or, but only with regard to preventive measures, creates a serious and imminent threat of damage of that nature;

Safeguards Agreement: Agreement between the Republic of Djibouti and the International Atomic Energy Agency (IAEA) on the application of safeguards under the Treaty on the Non-Proliferation of Nuclear Weapons;

Malicious act: An act or attempted unauthorized removal of nuclear or other radioactive

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materials or sabotage;

Activities: manufacture, acquisition, import, export, transit, distribution, possession, use, transfer free of charge or for consideration, transport, storage and disposal of sources of ionizing radiation, transportation of radioactive materials, site selection, design, construction, commissioning, operation and decommissioning of facilities, extraction and processing of radioactive ores, radioactive waste management activities and site rehabilitation;

Safety analysis: estimation of the potential hazards associated with the conduct of an activity;

National Authority: National Authority for Nuclear, Radiological, Chemical and Biological Safety and Security;

Radioactive waste: waste containing radionuclides or contaminated with radionuclides, the concentration or activity of which exceeds the release levels set by regulation;

Decommissioning: administrative and technical measures leading to the lifting of regulatory control over a facility other than a radioactive waste disposal facility. These steps may include decontamination and dismantling operations;

Nuclear damage:

(i) any death or damage to persons;

(ii) any loss of or damage to property;

(iii) any non-material damage resulting from a loss or damage referred to in subparagraphs (i) or (ii), provided that it is not included in those subparagraphs, if it is suffered by a person who is entitled to claim compensation for such loss or damage;

(iv) the cost of measures to restore a degraded environment, unless the degradation is insignificant, if such measures are actually taken or are to be taken, and provided that such cost is not included in subparagraph (ii);

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(v) any loss of profit in relation to any use or enjoyment of the environment that results from significant degradation of the environment, and provided that such loss of profit is not included in subparagraph (ii);

(vi) the cost of preventive measures and any other loss or damage caused by such measures;

(vii) any non-material damage, other than that caused by environmental degradation, if permitted by the general law of the competent court regarding civil liability.

With respect to subparagraphs (i) to (v) and (vii) above, to the extent that the loss or damage arises from or results from ionizing radiation emitted from, emanating from, or sent to a source of radiation within a facility or radioactive products or wastes from or originating from, emanating from or sent to a facility, whether the loss or damage results from the radioactive properties of those materials or a combination of those properties and the toxic, explosive or other hazardous properties of those materials.

Dose: a measure of the energy deposited by radiation in a target;

Storage: the storage of radioactive sources, radioactive materials or radioactive waste in a facility that provides containment for the purpose of retrieving them;

Threat assessment: An assessment of threats based on existing intelligence information, law enforcement and openly available sources of information, which describes the motivations, intentions and means of these threats;

Operator: a natural or legal person holding a licence and who is responsible for the safety and security of nuclear, radiological, radioactive waste and transport during the performance of activities or with regard to any installation or activity related to sources of ionising radiation;

Operator: in the case of a nuclear installation, a person designated or recognised as an operator by the State of the installation;

Export: the effective transfer by the Republic of Djibouti to an importing State of nuclear and other radioactive material, including radioactive sources, and related equipment, information and technology;

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Exposure: the act of exposing or being exposed to ionizing radiation;

Closure: completion of all operations a certain time after the radioactive waste has been placed in a disposal facility. These operations include the last works or other work required to ensure the long-term safety of the installation;

Radioactive waste management: all administrative and technical activities relating to the handling, pre-treatment, treatment, conditioning, transport, storage and final disposal of radioactive waste;

Import: the effective transfer by an exporting State to the Republic of Djibouti of nuclear and other radioactive materials, including radioactive sources, equipment, information and related technology;

Incident: an unintentional event, including missteps, equipment failures, initiating events, accident precursors, near misses or other anomalies or unauthorized acts, malicious or unintentional, the actual or potential consequences of which are not negligible from the point of view of safety or security;

Sensitive Information: Information, in any form, including software, the unauthorized disclosure, modification, alteration, destruction, or refusal of use of which could compromise nuclear security;

Facility: (a) a reactor, critical facility, processing plant, manufacturing plant, irradiated fuel processing plant, isotope separation plant or separate storage facility;

(b) any location where nuclear material in a quantity greater than one effective kilogram is customarily used;

Facilities: facilities related to the use of sources of ionizing radiation, including nuclear facilities, irradiation facilities, radioactive ore extraction and processing facilities, and radioactive waste management facilities;

Radioactive waste management facility: a facility specifically designed for the handling, treatment, conditioning, storage or disposal of radioactive waste;

Nuclear facility: a facility where activities and practices using nuclear material are carried out, including a nuclear power plant, a research reactor, a fuel fabrication plant, a spent

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fuel storage facility, an enrichment plant, a reprocessing facility, or any other facility determined by the national authority.

Nuclear installation:

(i) means of sea or air transport as a source of energy, whether for propulsion or for any other purpose;

(ii) any plant using nuclear fuel for the production of nuclear material and any plant for the processing of nuclear material, including plants for the processing of used nuclear fuel;

(iii) any storage of nuclear material, excluding storage in transit.

Emergency response: implementation of actions to mitigate the consequences of an emergency situation on the health and safety of people, quality of life, property and the environment;

Release: the removal of radioactive materials or radioactive objects associated with authorized practices from any subsequent control by the National Authority;

Dose limit: value of effective dose or equivalent dose to individuals resulting from controlled activities that must not be exceeded;

Nuclear material: plutonium with the exception of plutonium with an isotopic concentration of plutonium-238 exceeding 80%, uranium-233, uranium enriched in uranium-235 or uranium-233, uranium containing the mixture of isotopes found in nature other than in the form of ore or ore residue, and any material containing one or more of the aforementioned elements or isotopes;

Nuclear material: any source material or special fissile material as defined in the Safeguards Agreement, the term source material shall not be construed to apply to ores or mineral residues;

Radioactive material: material that contains one or more radionuclides whose activity or concentration cannot be neglected from the point of view of radiation protection;

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Threat: A person or group of persons with the motivation, intent and capacity to commit a criminal act or deliberate unauthorized acts involving or directed at nuclear material, other radioactive material or associated facilities or activities, or other acts that the State considers to be detrimental to nuclear security;

Release level: values set by regulation and expressed in the form of volume or mass activity and/or total activity, at or below which sources of ionising radiation may be exempted from the application of the legislative and regulatory provisions in force;

Notification: A declaration by which a natural or legal person informs the National Authority of its intention to carry out an activity or practice involving radioactive or nuclear materials;

Competent person in radiation protection: a person technically competent in radiation protection matters related to a given type of practice, whom the operator designates to supervise the application of safety requirements;

Contingency plan: a description of the objectives, directions and activities for responding to an emergency, and the structure, authority and responsibilities for a systematic, coordinated and effective response;

Practical: any human activity that introduces additional sources of exposure or routes of exposure, extends exposure to a larger number of people, or changes the network of exposure routes from existing sources, thereby increasing the exposure or likelihood of exposure of people, or the number of people exposed;

Radioactive waste generator: responsible operator of a facility or activity that produces radioactive waste;

Consumer product: A device or manufactured item in which radionuclides have been deliberately incorporated or produced by activation or that emits ionizing radiation and that may be sold or made available to members of the public without regulatory oversight or control after sale;

Additional Protocol: Additional Protocol to the Agreement between the Republic of Djibouti and the International Atomic Energy Agency (IAEA) on the application of safeguards under the Treaty on the Non-Proliferation of Nuclear Weapons.

Physical protection: measures to protect nuclear and other radioactive materials or

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licensed facilities designed to prevent unauthorized access to facilities, unauthorized removal of such materials and acts of sabotage;

Radiation protection: protection of people against the effects of exposure to ionising radiation and the means of ensuring this protection;

Ionizing radiation (or radiation): for radiation protection purposes, radiation capable of producing ion pairs in biological matter;

Radioactive releases: radioactive substances from a source associated with facilities or activities, which are released to the environment in the form of gases, aerosols, solids or liquids, usually for dilution and dispersion;

Radiological risks:

* the adverse health effects of radiation exposure, including the likelihood of such effects occurring;

* any other safety-related risk, including risks to environmental ecosystems, that may be a direct consequence of:

– exposure to radiation;

– the presence of radioactive materials, including radioactive waste, or their release into the environment;

– the loss of control of any source of radiation.

Sabotage: a deliberate act directed against a facility, nuclear material or other radioactive material in use, storage or transport, which is likely, directly or indirectly, to harm the health and safety of personnel or the public or the environment by causing exposure to radiation or a release of radioactive substances;

Nuclear security (or security): the prevention, detection and response to criminal acts or deliberate unauthorized acts involving or directed at nuclear material, other radioactive material, or associated facilities or activities;

Emergency: An unusual situation that requires rapid action to mitigate a hazard or adverse

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consequences to the health and safety of persons, quality of life, property, or the environment. These include nuclear or radiological emergencies as well as conventional emergencies such as fires, the release of hazardous chemicals, storms or earthquakes. Included are situations in which rapid action is warranted to mitigate the effects of a perceived hazard;

Source of ionising radiation (or source): anything that can cause exposure to radiation – for example through the emission of radiation or the release of radioactive substances or materials – and can be considered as a single entity for the purposes of protection and safety;

Orphan source: a radioactive source that is not subject to regulatory control, either because it has never been subject to such control, or because it has been abandoned, lost, misplaced, stolen or transferred without authorization;

Radioactive source: a source containing radioactive material that is used as a source of radiation;

Sealed source: radioactive material that is permanently enclosed in a capsule or fixed in solid form;

Unsealed source: a radioactive source that does not meet the definition of a sealed source;

Disposal: placing radioactive waste in a suitable facility without the intention of recovering it;

Nuclear and radiological safety (or safety): protection of people and the environment against radiological risks, and the safety of installations and activities giving rise to radiological risks.

Transportation: all operations and conditions associated with the movement of radioactive material by land, air or water, such as packaging design, fabrication, maintenance and repair, preparation, shipment, loading, conveyance, including in-transit storage, unloading and receipt at the final destination of shipments of such materials and packages.

Article 6: The National Authority is responsible for implementing the provisions of this Law.

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The National Authority, as the effectively independent authority for the control of the activities, practices and facilities governed by this Law, shall perform the following functions:

(a) assist the Government of Djibouti in the development of national policy and measures for the regulatory control of the activities, practices and facilities governed by this Law;

(b) to prepare and propose regulations and guides on safety, security and safeguards, as well as to prepare and propose any other regulations necessary for the implementation of this Law;

(c) ensure that requirements, requirements and criteria for safety, security and safeguards are established in accordance with this Act. To this end, it shall draw up and propose the necessary regulations and impose conditions on authorisations;

(d) issue, renew, amend, suspend or cancel permits and set conditions for activities, practices and facilities governed by this Act;

(e) inspect, monitor and evaluate activities, practices and facilities for the purpose of verifying compliance with this Act, the applicable regulations and the conditions of authorizations;

(f) establish a regulatory inspection programme;

(g) take enforcement action in the event of a breach of this Act, the applicable regulations and the conditions of the permits and ensure that corrective measures are taken in such cases or in the event of a hazardous or potentially hazardous situation at any location where licensed activities are carried out;

(h) To approve the technical services and the personnel working with ionising radiation after having verified their competences;

(i) fixing and collecting fees related to the issue of authorisations or approvals;

(j) establish and maintain a national register of persons authorized to carry out activities or practices under this Act;

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(k) Establish and maintain an inventory of sources of ionizing radiation;

(l) define dose limits, exemption criteria and release levels;

m) Develop and implement a national programme for the research and safety of orphan sources;

(n) To participate, with the other administrations concerned, in the development and updating of emergency response plans, in accordance with the legislation in force;

(o) participate in the definition of the reference threat for the application of security measures;

(p) to cooperate with the IAEA in the application of safeguards in accordance with the Safeguards Agreement and any protocol to that agreement signed between Djibouti and the IAEA;

(q) to establish and maintain a national system for the accounting 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 requirements in accordance with the Safeguards Agreement and any Protocol relating to that Agreement between Djibouti and the IAEA;

(r) To establish and implement, in collaboration with other relevant national administrations, a system for the control of exports and imports of nuclear materials, as well as any related equipment and technology, as deemed necessary to meet Djibouti's international commitments;

(s) establish appropriate mechanisms and procedures to inform and consult the public and other stakeholders about the regulatory process and the safety, health and environmental aspects of regulated activities and practices;

(t) take appropriate measures to protect information of a confidential nature;

(u) communicate and cooperate with other public bodies as necessary for the effective performance of its functions;

(v) obtain from public or private bodies all information, documents and opinions necessary

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for the performance of its functions;

(w) perform any other function provided for in this Act and the applicable regulations.

CHAPTER II: AUTHORIZATIONS

SECTION 1: NOTIFICATION, AUTHORIZATIONS, PROCESS FOR ISSUING AUTHORIZATIONS

Article 7: No one may undertake an activity or practice involving sources of ionizing radiation, if he or she does not hold an authorization issued by the National Authority, unless the practice or activity is subject to an exemption, or notification, as determined by the National Authority.

Article 8: The authorization may take the form of a license or a registration.

Article 9: The regulations shall establish the procedures for the application for authorization, the examination of applications for licenses and registrations and their issuance, and in particular which activities, installations and practices are subject to the granting of a license and which are subject to registration, on the basis of a categorization of the sources or materials subject to the application for authorization.

SECTION 2: AUTHORIZATION REQUIREMENTS

Article 10: The National Authority shall establish the authorization requirements, in particular concerning:

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a) the conformity of the sources of ionizing radiation, which are the subject of the application for authorization, with the design, manufacture and use standards required for their certification;

(b) the appropriate radiation protection qualifications of the personnel responsible for handling the sources of ionising radiation, which are the subject of the application for authorisation, and of the person competent in radiation protection;

(c) the safety and security analysis of the installation, the activity and the associated sources of ionising radiation;

(d) an environmental impact assessment, for projects for installations designated by regulation;

(e) compliance of the premises with radiation protection requirements;

(f) measures to protect exposed workers, the public and the environment against the effects of ionising radiation;

(g) equipment for the detection and measurement of ionising radiation;

h) the medical surveillance of exposed workers, in accordance with the regulations in force;

i) dosimetric monitoring of exposed workers;

(j) provisions relating to emergency preparedness and response;

(k) the nuclear security of installations and activities;

(l) means of transport;

(m) measures for the safe and secure management of radioactive waste;

(n) the applicant's undertaking to supply ionising radiation sources only to operators authorised for that purpose;

(o) the means provided for the return of high-activity sealed sources to their country of

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origin at the end of their useful life;

(p) an undertaking to take out, in respect of the activities or practices defined by regulation, an insurance policy covering civil liability that may arise from the activity which is the subject of the application for authorisation;

(q) compliance with the standards for the discharge of liquid or gaseous radioactive effluents, which are the subject of the application for authorisation;

(r) the payment of a fee to the Authority by the applicant or declarant at the time of submission of a notification, application for authorisation, permission, approval or registration as provided for in the regulations.

The requirements shall be proportionate to the radiological risks associated with the installation or activity, in accordance with a graduated approach.

Section 11: Authorization shall not be granted or renewed unless the requirements set out in this Act and in the regulations are met. Any refusal of authorisation must be justified by the national authority.

The period of validity, form and content, as well as the conditions relating to their renewal, shall be determined by regulation.

Article 12: The licence may be subject to special conditions relating to nuclear safety and security that the national authority deems appropriate to impose. These conditions may be modified, supplemented or deleted by the National Authority.

Article 13: The operator may renounce an authorisation or cease an activity only with the agreement of the National Authority.

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Article 14: The authorization is not transferable.

Article 15: The authorisation shall lapse when the person who obtained it refrains from carrying out the activity or practice for which he or she had obtained it within the time limit set for him.

The operator must take the necessary measures for the safe and secure management of the source even after the expiry of the period provided for in paragraph 1.

Article 16: Without prejudice to the criminal proceedings provided for this purpose, any authorization issued under this Law may be suspended, modified or withdrawn at any time by the National Authority:

a) in the event of violation of the provisions of this Law, the regulations and the conditions of the authorization;

(b) when the conditions on the basis of which it was issued are no longer met; or

(c) in any circumstance in which the National Authority establishes that the continuation of the activity under the permit would pose an unacceptable risk to persons or the environment;

(d) where the authorisation has been obtained by making a fraudulent or inaccurate declaration or by providing false supporting documents; or

(e) where the operator is prevented from carrying on the licensed activity by reason of incapacity or any other reason or if, for any reason, the operator is no longer qualified to be entitled to the authorization granted.

SECTION 3: OBLIGATIONS OF OPERATORS

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Article 17: The operator is primarily responsible for the safety and security of the facilities, activities or practices for which it is authorised.

Article 18:

The operator:

a) complies with the provisions and requirements of this law, the regulations adopted for its application and the conditions of the authorization;

(b) grant the inspectors of the National Authority access to monitor compliance with the provisions and requirements of this Law, the regulations made for its implementation and the conditions of the authorization;

(c) take corrective measures requested by the National Authority or its inspectors to remedy situations where safety or security is lacking;

(d) communicate to the National Authority and its inspectors any information necessary for monitoring compliance with the provisions and requirements of this Law, the regulations adopted for its implementation and the conditions of the authorization;

(e) give due priority to safety and security. To this end, it is required to have, implement and maintain the necessary resources to carry out safety and security activities;

(f) notify the National Authority of its intention to make any safety or security change to any activity or practice it is authorised to carry out, and refrain from making any such change unless authorised to do so by the National Authority;

(g) immediately notify the National Authority of any significant incident related to the safety or security of authorised activities, practices and facilities;

(h) set up an appropriate management system in accordance with the specifications established by the National Authority. The purpose of this system is to ensure that the

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requirements for safety, security, physical protection and safeguards are met.

Article 19: The operator may not use a source of ionising radiation for purposes other than those specified in the authorisation.

CHAPTER III: INSPECTIONS AND THE POWER OF ENFORCEMENT

SECTION 1: INSPECTIONS

Article 20: Authorised activities, practices or installations shall be inspected by the National Authority to verify compliance with the provisions of this Law, the regulations and the conditions of the authorisations.

Article 21: The National Authority shall carry out planned and reactive inspections, whether announced or unannounced.

Article 22: Inspections by the National Authority shall be carried out according to a regulatory inspection programme based on the graduated approach.

Article 23: Inspections shall be carried out by sworn inspectors in accordance with the legislation in force.

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Article 24: The sworn inspectors of the National Authority are empowered to investigate and record infringements and breaches of the provisions of this law, the texts adopted for its implementation and the conditions of authorization.

Article 25: Inspectors shall be bound by professional secrecy on pain of the penalties provided for in Articles 437 and 446 of the Criminal Code.

Article 26: The appointment of an inspector must take into consideration his level of training, professional experience, legal and technical knowledge in the field, with regard to the requirements required for the exercise of his inspection mission.

Article 27: Inspectors who, by themselves or through an intermediary, have interests in an installation or activity related to their service, which are likely to compromise their independence, may not be appointed as inspectors for the inspection of this installation or activity.

Article 28: In addition to the rules of procedure provided for in this chapter and those of ordinary law, the technical procedures for the inspection shall be determined by regulation.

Article 29: In order to carry out their duties, the inspectors of the National Authority shall have access to the installations, places and means of transport where activities or practices are conducted.

The inspectors may also, for the purposes provided for in paragraph 1 above, obtain all necessary documents and computer data, after drawing up a list countersigned by the operator or his representative.

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Article 30: Inspectors may take samples to be analysed by a body approved by the National Authority.

Inspectors may question any person found on the premises who is relevant to the inspection in progress.

Article 31: Inspectors may ask the Public Prosecutor to authorise them to access the premises if the operator cannot be reached, if he opposes access or, if the access concerns premises used as a home.

Section 32: The results of inspections shall be recorded in archived reports which shall be made available to operators. The reports are archived for the period determined in the regulations.

SECTION 2: COERCION

Article 33:

(1) Without prejudice to the penalties provided for by the legislation in force and by this Law, in the event of non-compliance with this Law, the applicable regulations or the conditions of the authorization by a person or operator, the National Authority shall take the necessary enforcement measures proportionate to the seriousness of the non-compliance.

(2) Coercive measures taken by the National Authority may include:

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- a) Verbal or written warnings;
- b) The imposition of additional conditions of authorisation;
- c) Suspension of the authorisation;
- (d) Withdrawal of the authorisation.

(3) In all cases, the operator and any person subject to the enforcement action shall take the necessary steps to remedy the non-compliance as soon as possible, as requested by the National Authority and to prevent the recurrence of the case.

Section 34: Where inspectors find that an activity or practice is being carried out in violation of this Act, the regulations or the conditions of the authorization, they may:

- a) Order that corrective action be taken immediately or within defined time frames;
- b) Immediately order the suspension of the activity or practice;
- c) Order, at the expense of the operator, that the radioactive material emanating from the suspended activity or practice be stored under conditions of safety and security as specified by the National Authority.

A decision made by an inspector under subsection (1) remains in effect until:

- (a) the corrective action is taken by the operator or the person concerned; or
- (b) The decision is withdrawn by the inspector, reversed or modified by an action of the National Authority, or altered by an administrative appeal or judicial review.

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Article 35: Coercive measures shall be taken at the expense of the operator. The operator subject to the enforcement measures remains primarily responsible for the safe and secure management of the activity or practice.

Article 36: In the event of an offence, the inspectors shall draw up a report. The minutes are authentic until proven otherwise. A copy of the report shall be given to the operator.

The inspectors may have any useful equipment, materials, objects, products or documents seized immediately and without compensation, at the expense of the offender, with the authorisation of the Public Prosecutor. In the event of seizure of radioactive materials, inspectors shall take measures to ensure that such materials are managed in conditions of safety and security in accordance with the requirements laid down by the National Authority.

The request for seizure must include all the information capable of justifying this seizure. This is carried out under the authority and control of the Public Prosecutor who authorized it.

Seized equipment, materials, objects, products or documents are immediately inventoried. The inventory is annexed to the report on the premises. Copies of the report and the inventory are given to the operator.

The originals of the report and the inventory shall be transmitted, within five (05) days of their establishment, to the Public Prosecutor who ordered the seizure. He may, at any time, order the lifting of the seizure.

Article 37: The National Authority may, with the assistance of the law enforcement authorities, seal an installation whose operation is maintained in violation of a measure suspending or withdrawing the authorization.

Article 38: Decisions of the National Authority may be appealed in accordance with ordinary law. However, the appeal does not suspend the execution of the decision taken by

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the National Authority.

CHAPTER IV: RADIATION PROTECTION

Article 39: For any exposure to sources of ionizing radiation, the operator is required to take the necessary measures and means to ensure the protection of the worker, the patient and the public in accordance with the provisions of this law, the applicable regulations and the conditions of the authorization.

Article 40: The principles of justification, optimization and limitation of doses shall apply to all activities and practices carried out in the Republic of Djibouti.

The principle of justification requires that no activity involving exposure to ionizing radiation may be authorized if its application does not produce a net positive economic, social or other benefit in relation to the harmful radiological effects likely to be caused.

The principle of optimization requires that the exposure of people to ionizing radiation be kept as low as possible that can reasonably be achieved taking into account existing socio-economic factors;

The principle of dose limitation requires that the sum of doses from all activities must not exceed dose limits as set by regulation.

However, these dose limits are not applicable in the following cases:

a) the exposure of persons for the purposes of the medical diagnosis and treatment from which they benefit;

(b) the exposure of volunteers participating in medical and biomedical research programmes;

(c) the exposure of members of the public and responders in the event of a radiological

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emergency, for which reference levels are set by regulation.

Article 41: The National Authority shall establish requirements for the protection of persons against injury due to exposure to ionizing radiation in accordance with the principles set forth in Article 39.

Article 42: The National Authority shall define the dose limits to the public and workers that must not be exceeded in the context of activities under regulatory control.

Article 43: The National Authority shall determine the sources or practices that are exempt from regulatory control by taking into account the following criteria:

(a) the radiological risk to persons is sufficiently low that it does not need to be addressed in the regulations;

b) the collective radiological impact is sufficiently low not to justify regulatory control;

(c) the source or practice is considered to be inherently safe, the likelihood of situations that could result in a radiological hazard is non-existent.

Article 44: The National Authority shall set the release levels below which radioactive materials or objects used in the context of authorized activities and practices may be released from regulatory control.

SECTION 1: PATIENT PROTECTION

Article 45: The use of sources of ionising radiation for the purposes of diagnosis, treatment or research in the medical, dental or veterinary fields may only be carried out by qualified

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personnel, who can prove that they have the required training and in premises specially fitted out and equipped for this purpose in accordance with the provisions laid down by regulation.

Article 46: In addition to the authorizations required by this law, only equipment or sources of ionizing radiation approved by the competent administration, after consultation with the National Authority and appearing on a list published annually, may be used for medical or dental purposes. The design and performance criteria are established by regulation.

Article 47: Any health establishment offering nuclear medicine, radiology or radiotherapy services must have a radiophysicist as necessary in accordance with the regulations and the conditions of the authorisation.

SECTION 2: PROTECTION OF WORKERS

Article 48:

(1) The operator is responsible for evaluating and applying the preventive measures necessary for the protection of his personnel in accordance with this Act and the applicable regulations and regulations.

(2) The operator is also required to ensure the calibration of equipment for the detection of ionising radiation.

Article 49: The operator is required to set up a workplace monitoring programme and to ensure medical and individual dosimetry monitoring of workers exposed to ionising radiation, in accordance with the regulations in force and the requirements of the National Authority.

SECTION 3: PROTECTION OF THE PUBLIC

Article 50: The operator shall ensure the protection of the public and shall establish programmes for monitoring the sources and the environment in accordance with the regulations and the conditions of the authorisation.

Article 51: Consumer products may be made available to the public only on condition that their use is justified and that their use has been exempted or their sale to the public has been authorized by the National Authority.

CHAPTER V: EMERGENCY PLANS

Article 52: On-site and off-site emergency plans shall be drawn up by the operator and approved by the National Authority for any facility, activity, practice or source that may require emergency intervention.

No authorization to conduct an activity or practice may be granted until an appropriate emergency plan is attached to the application.

Article 53: The State shall establish a national emergency preparedness and response plan to deal with any nuclear or radiological emergency.

The terms and conditions for drawing up and allocating the powers of the plan are set by regulation.

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Article 54: The response plan in a nuclear or radiological emergency shall be updated periodically and tested at regular intervals to verify its effectiveness.

Article 55: The on-site emergency plan drawn up by the operator in accordance with Article 52 of this Law must be coordinated with the national plan referred to in Article 53 above.

Article 56: In the event of an emergency, the operator must carry out an assessment of the circumstances and consequences of the situation and assist in the interventions in accordance with the emergency plan.

Article 57: The National Authority shall provide technical assistance to the competent authorities for the preparation of emergency preparedness and response plans relating to radiological accidents.

It is associated with the management of nuclear and radiological emergencies occurring on the national territory or likely to affect it.

Article 58: The National Authority shall take the necessary measures to notify a situation of nuclear or radiological emergency occurring on the national territory, in accordance with the international commitments of the Republic of Djibouti in this regard.

CHAPTER VI: SAFETY AND SECURITY OF RADIOACTIVE SOURCES

Article 59: The operator is primarily responsible for the safety and security of its radioactive

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To this end, the operator must take the technical, operational and organisational measures necessary to ensure that radioactive sources are managed in a safe and secure manner during their useful life and at the end of their useful life.

Article 60: On the basis of international guidance, the National Authority shall establish requirements for activities, practices and facilities involving radioactive sources, including a categorization of sources according to the potential harm to people and the environment that could result from the failure of the sources to be managed in a safe or secure manner.

Article 61: The requirements for the authorization of the export, import and transit of radioactive sources from, to or through the territory of the Republic of Djibouti provide for the evaluation of information to verify that the recipient is authorized to receive the requested source and has the means to ensure its safety and security.

For export applications for high-category radioactive sources, the National Authority shall ensure, to the extent possible, that the importing State has the appropriate technical and administrative means, resources and regulatory structure to manage the requested source in a safe and secure manner.

Article 62: The operator shall keep an up-to-date inventory of his sources. This inventory is made available to the National Authority.

Article 63: For radioactive sources determined by the National Authority in accordance with the graduated approach, the operator is required to include in the application for authorisation a safety plan, the content and modalities of which will be defined by regulation.

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Article 64: The operator shall inform the National Authority without delay of any nuclear security incident, including any loss, theft or lack of radioactive source.

Article 65: The National Authority shall coordinate with the bodies concerned in the development of a national strategy for the rapid acquisition or resumption of control over orphan sources.

CHAPTER VII: TRANSPORT AND TRANSIT OF RADIOACTIVE MATERIALS

Article 66: The transport, transshipment or transit of radioactive materials is subject to authorization by the National Authority.

The requirements and procedures for issuing the licences referred to in paragraph 1 above, as well as the requirements for the safety and security of radioactive materials during transport, shall be laid down by regulation.

The requirements adopted under this Article shall include a categorization of radioactive materials that takes into account the hazard they may pose by type, quantity and level of activity.

The requirements adopted under this article shall take into account the technical requirements of the most recent edition of the Regulations for the Safe Transport of Radioactive Material published by the International Atomic Energy Agency.

The requirements adopted under this Article include measures for the physical protection of radioactive material in accordance with the Convention on the Physical Protection of Nuclear Material and its Amendment, as well as the most recent guidance documents issued by the International Atomic Energy Agency.

The provisions of this Law shall apply without prejudice to any other provisions applicable to the transport of dangerous goods.

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In the event of contradiction or confusion in the transport of radioactive materials, the provisions of this law, the texts adopted for its implementation and the technical regulations adopted by the National Authority shall prevail over the provisions laid down for the transport of dangerous materials.

Article 67: The holder of the authorization for transport, transshipment or transit has the primary responsibility for ensuring the safety and security of radioactive material during transport.

CHAPTER VIII: RADIOACTIVE WASTE MANAGEMENT AND DECOMMISSIONING

Article 68: A national policy and strategy for the management of radioactive waste shall be drawn up by the National Authority and approved by the Government.

Article 69: The following principles shall be applied at all stages of radioactive waste management by all natural and legal persons, including public bodies:

- (a) to achieve and maintain a high level of safety in the management of radioactive waste;
- (b) to ensure adequate protection of people, the environment and future generations against the harmful effects of ionizing radiation, without compromising their ability to meet their aspirations;
- (c) preventing accidents and mitigating their consequences;
- (d) to keep the production and activity of radioactive waste as low as possible;
- (e) take into account the interdependencies between the different stages of radioactive waste management, such as pre-treatment, treatment, conditioning, storage and disposal;

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(f) take into account biological, chemical and other risks associated with the management of radioactive waste;

(g) apply the procedures for the characterisation and management of such waste in accordance with the provisions laid down by regulation.

Article 70: In addition to the general licensing requirements, the National Authority shall establish requirements for the safe and secure management of radioactive waste, including:

(a) safety and security provisions to protect people and the environment from the adverse effects of radioactive waste management activities;

(b) mechanisms to ensure the availability of sufficient resources for the management of radioactive waste in accordance with the provisions of Article 80 below;

(c) requirements for the licensing of radioactive waste management activities and facilities;

(d) requirements and release levels for the authorization of discharges.

Article 71: The management of radioactive waste shall be based on a division of responsibilities between the following parties:

* the radioactive waste generator shall be primarily responsible for the safe and secure management of radioactive waste until its transfer or final storage in accordance with the procedures authorised by the National Authority;

* The body or institution responsible for the centralised management of radioactive waste generated at national level shall be primarily responsible for the safe and secure management of radioactive waste transferred to it by the producers of radioactive waste in accordance with the preceding paragraph, radioactive waste for which no operator can be identified.

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Article 72: The transfer of responsibility for radioactive waste from the generator to the institution in charge of the centralised management of radioactive waste shall begin at the time when the said waste is taken over by the said institution.

Article 73: During the operation of a radioactive waste management facility, including effluent discharge operations, the operator is required to take all measures to prevent unscheduled and uncontrolled releases of radioactive materials into the environment.

Article 74: The generator of radioactive waste and the operator of a radioactive waste management facility shall keep an up-to-date inventory of their waste. They submit to the National Authority an annual report on the state of the radioactive waste they manage.

Article 75: All data concerning radioactive waste generated within an installation must be kept in an archive, in accordance with the provisions defined by regulation.

Article 76: The costs relating to the management of waste shall be borne by their producer, who must have the necessary funds for this purpose in accordance with the mechanisms established by the National Authority.

Article 77: The following criteria shall apply in determining whether to approve a permit for the export of radioactive waste:

(a) The importing State shall be notified of the shipment of radioactive waste prior to its receipt and has approved such shipment;

(b) The movement of exported materials shall be carried out in accordance with relevant

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international obligations in all States through which they transit;

(c) The importing State shall have the necessary administrative and technical capacity, as well as the regulatory structure, to manage the exported radioactive waste(s) in a safe and secure manner, in accordance with the relevant internationally recognized standards, in particular those issued by the International Atomic Energy Agency.

Article 78: The National Authority shall establish requirements for the decommissioning of installations, in particular on:

(a) the preparation, as a requirement for the authorisation of installations, of an initial decommissioning plan, as well as periodic reviews and updates of the decommissioning plan;

(b) the necessary mechanisms to ensure that adequate financial resources will be available when needed to cover the costs associated with safe decommissioning, including those of the resulting waste management;

(c) safety and environmental criteria, including the conditions of the final stage of decommissioning;

d) the limits and conditions for the lifting of regulatory controls;

(e) criteria for the release of radioactive material during and after decommissioning.

The National Authority shall ensure that the relevant documents and records prepared by the operator are kept for a specified period of time before, during and after decommissioning.

The National Authority assesses the condition of the facility after the completion of the decommissioning activities to ensure that the applicable regulatory requirements have been complied with.

The National Authority shall not lift the regulatory control over the installation until the operator has demonstrated that the final stage described in the decommissioning plan has been reached and that all additional regulatory requirements have been complied with.

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Article 79: The operator shall provide financial resources to cover the costs related to safe decommissioning, including the management of the resulting waste, in accordance with the regulations and the decommissioning plan.

The amount of financial resources to be allocated to decommissioning activities is determined by a facility-specific cost estimate and changes as this estimate changes. This estimate is reviewed as part of the periodic review of the decommissioning plan.

CHAPTER IX: EXTRACTION AND PROCESSING OF RADIOACTIVE ORES

Article 80: Without prejudice to the provisions of the Mining Code, exploration and exploitation activities in a mine of radioactive ores containing radionuclides of the uranium or thorium family, as well as processing activities for said ores, are subject to authorization by the National Authority.

Article 81: The requirements and procedures for issuing the authorisations referred to in Article 80 above shall be specified by regulation.

Article 82: The holder of an authorisation shall have the primary responsibility for ensuring the safety and security of any activity referred to in Article 80 above.

Article 83: The holder of the licence for the activities referred to in Article 80 above shall take all necessary measures to protect workers, the public and the environment during the exploration and exploitation of radioactive ores and after the closure of the mine in accordance with the regulations.

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Section 84: After the decommissioning of a mine or processing facility, the operator shall return the area to a safe radiological condition in accordance with the regulations.

Article 85: A radiological tax is created for the safe restoration of the premises that housed the activities referred to in Article 80 above.

The rate, distribution and methods of collection of the radiological tax shall be fixed by regulation.

CHAPTER X: NUCLEAR SECURITY AND PHYSICAL PROTECTION

Article 86: The State guarantees nuclear security in the national territory.

To this end, it implements:

- * a national nuclear security regime that includes people, procedures and equipment for the protection of nuclear materials against malicious acts and protects confidential information;

- * a national nuclear safety plan.

Article 87: The National Authority shall collaborate with all relevant administrations to ensure the establishment and maintenance of nuclear security systems and measures at all appropriate organizational levels, including the detection and assessment of nuclear security events. The modalities of coordination between the administrations concerned are laid down by regulation.

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Article 88: The National Authority, in concert with all the administrations concerned, shall determine and assess threats to nuclear security, as well as targets and potential consequences. Based on this assessment, the regulations establish the requirements and measures relating to nuclear safety.

These measures include:

- (a) A categorization of nuclear and radioactive materials based on an assessment of the damage that could result from a malicious act against such materials and associated facilities and activities;
- b) The necessary protective measures for the different categories of material;
- c) Rules of procedure and conditions for the issuance of licences including provisions on nuclear safety;
- (d) Inspection and monitoring measures to verify compliance with applicable nuclear security regulations.

Article 89: The operator is primarily responsible for ensuring the physical protection and other security measures of its materials and installations in accordance with the regulations and the conditions of the authorisation.

Article 90: In the event of loss, theft, threat of theft or illicit trafficking of nuclear or other radioactive materials, the National Authority shall, in collaboration with the other administrations concerned, take appropriate measures to inform the other States that may be concerned as well as any international organization likely to be impacted.

In the event of loss, theft or illicit trafficking of nuclear or other radioactive materials, the National Authority shall be responsible for determining, in collaboration with the other administrations concerned, the cooperation and assistance measures necessary to recover and protect such materials in agreement with any State or international

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organization which so requests.

Article 91: The National Authority is the point of contact under the Convention on the Physical Protection of Nuclear Material.

The National Authority shall provide the IAEA, within the framework of the mechanisms set up by it, with information on cases of theft, illicit acquisition or any other incident relating to nuclear and radioactive materials.

Article 92: The regulations establish requirements to protect the confidentiality of sensitive information.

No one shall disclose confidential information, including information acquired in accordance with the provisions of the Convention on the Physical Protection of Nuclear Material and its amendment.

CHAPTER XI: SAFEGUARDS AND NON-PROLIFERATION

Article 93: The provisions of the Treaty on the Non-Proliferation of Nuclear Weapons, the Safeguards Agreement and the Additional Protocol shall apply in this regard in accordance with the commitments undertaken by the Republic of Djibouti.

SECTION 1: SAFEGUARDS

Article 94: The National Authority shall perform the obligations of the Republic of Djibouti under the Safeguards Agreement and the Additional Protocol, including:

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(a) collecting and providing to the IAEA the information required to implement the Safeguards Agreement and the Additional Protocol;

(b) facilitating access to the territory of the Republic of Djibouti by IAEA inspectors;

(c) coordinating with relevant public organizations in the provision of information to IAEA related to the Safeguards Agreement and the Additional Protocol.

Article 95: All government agencies of the Republic of Djibouti and operators shall cooperate fully with the IAEA in the application of safeguards, inter alia:

(a) by promptly communicating to the National Authority the information required under the Safeguards Agreement and the Additional Protocol;

(b) providing duly authorized representatives of the National Authority and IAEA inspectors with access to facilities and other locations as required by the Safeguards Agreement and the Additional Protocol;

(c) cooperating with IAEA inspectors and assisting them in the performance of their tasks;

(d) providing the necessary services requested by IAEA inspectors.

Article 96: The National Authority shall establish and implement a national system for the accounting and control of nuclear materials, including:

a) a system for the measurement of nuclear materials;

(b) a system for evaluating the accuracy of measurements;

(c) procedures for the examination of differences between measures;

(d) procedures for the measurement of physical stocks and losses;

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(e) a system for the assessment of unmeasured stocks;

(f) a system of records and reports to monitor the evolution of stocks and flows of nuclear materials;

(g) procedures to ensure the correct application of accounting methods and rules;

(h) procedures for the preparation and transmission of reports to IAEA.

Article 97: The Presidency of the Republic is responsible for approving the appointment of inspectors proposed by the IAEA for the Republic of Djibouti.

The Office of the President of the Republic shall issue the necessary permits, including endorsements, if applicable, for the IAEA inspectors designated for the Republic of Djibouti to enter and stay in the territory of the Republic of Djibouti to carry out their safeguards functions in accordance with the Safeguards Agreement and the Additional Protocol.

Article 98: Holders of an authorization to hold, use, handle or process nuclear material to which the Safeguards Agreement and the Additional Protocol apply:

(a) maintain records as specified by the National Authority;

(b) submit to the National Authority the reports requested in the form and on the dates specified by the National Authority;

(c) Carry out measurements concerning nuclear materials and implement the required measurement control programmes, as specified by the National Authority;

(d) provide the National Authority with descriptive information concerning any changes to such information;

(e) To draw up inventories of physical stocks of materials as specified by the National Authority;

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(f) Notify the National Authority of the import or export of nuclear material in accordance with the requirements of this Law;

(g) apply physical and other security measures to nuclear material in accordance with this Law and the requirements of the National Authority;

(h) Promptly report to the National Authority any loss of nuclear material;

i) transmit or report to the National Authority on future activities;

(j) to ensure that National Authority inspectors and IAEA inspectors are able to inspect without hindrance any facility or other location, the Safeguards Agreement or the Additional Protocol.

Article 99: Any person intending to carry out research and development activities related to the nuclear fuel cycle, as defined in the Additional Protocol, shall provide the National Authority with information on such activities prior to their commencement.

SECTION 2: IMPORT AND EXPORT CONTROL

Article 100: The National Authority shall establish a list of goods and equipment subject to import and export control for the purposes of this Chapter.

Article 101: The export of nuclear material, related equipment or technology shall be subject to authorization, the granting of which shall be subject, in addition to the applicable safety and security requirements, to the following conditions:

(a) the undertaking of the State of destination to use, solely for peaceful purposes, the nuclear material, related equipment or technology, as well as the information transferred;

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(b) the retransfer of nuclear materials, equipment and related technology exported to a third country is subject to the approval of the National Authority;

(c) the consignee shall provide the National Authority with information on the end use and final destination of the nuclear material, equipment or related information to be transferred confirming its peaceful use;

(d) the State of destination must have received prior notification of the transfer and given its approval to the latter;

(e) nuclear material may be exported only to States that have concluded a comprehensive safeguards agreement with the IAEA.

Article 102: The import of nuclear material, related equipment or technology shall be subject to authorization, the granting of which shall be subject, in addition to the applicable safety and security requirements, to the following conditions:

(a) the related material, equipment or technology to be imported shall not be prohibited by any legislative or regulatory provision in force;

b) the applicant must have a permit to put his installation into service and comply with all the obligations relating to his activity;

(c) the nuclear material to be imported must be placed under safeguards in accordance with the Safeguards Agreement;

(d) the transfer of nuclear material to the applicant must have been notified in advance to the National Authority and authorised by the State of origin;

(e) any reprocessing of nuclear material supplied or any other modifications thereto shall be notified to the National Authority and submitted to the State of origin for prior approval.

The same conditions apply to the import of nuclear materials, related equipment or technology into free zones in the national territory.

Article

103: Only bodies approved or recognised by the National Authority, in accordance with the procedures laid down by regulation, may provide technical services enabling operators to meet the following nuclear or radiological safety or security obligations:

- a) individual dosimetry monitoring of workers exposed to ionising radiation;
- (b) the calibration of ionising radiation detection equipment;
- c) the training and testing of knowledge of persons competent in radiation protection;
- (d) the measurements of radioactivity in the environment provided for by the National Authority;
- (e) quality control of equipment or sources of ionising radiation for medical use;
- (f) the preparation of safety assessment reports;
- (g) the technical inspection of radiation protection of sources and devices emitting ionising radiation, protection and alarm devices and measuring instruments used.

The National Authority may, as necessary, supplement or amend the list referred to above in the light of changes in the safety and security requirements applicable to the activities covered by this Act.

Article 104: Each service shall be subject to specific approval.

The procedures for obtaining approval as well as the obligations of approved bodies are set by the National Authority.

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Article 105: The list of approved bodies and the list of withdrawals of approvals shall be published annually by the National Authority.

Article

106: The civil liability of the operator of an activity or practice involving sources of ionizing radiation other than those of a nuclear installation is governed by ordinary law.

Article 107: Subject to the provisions of this Act, the operator shall be solely liable for any nuclear damage suffered in any place whatsoever when it is proved that such damage was caused by a nuclear accident occurring at that installation.

Responsibility for any nuclear damage caused by stolen, lost, thrown overboard or abandoned nuclear material rests with the last operator authorized to hold the material.

Liability for nuclear damage is engaged, regardless of where it is suffered.

Article 108: The right to compensation for nuclear damage under this Law shall be extinguished if an action is not brought:

(a) Within 30 years from the date of the nuclear accident in the event of death or damage to persons;

(b) Within 10 years from the date of the nuclear accident for all other nuclear damage.

The right to compensation for nuclear damage under this Act shall be extinguished within

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three years from the date on which the victim knew or ought reasonably to have known of such damage and of the identity of the operator responsible for it, unless the time limits set out in paragraph 1 of this Article have expired.

Article 109: The ordinary court shall have jurisdiction to hear claims submitted pursuant to this Act for compensation for nuclear damage caused by a nuclear accident occurring in the territory or exclusive economic zone of the Republic of Djibouti and referred to it in accordance with the provisions of this Act.

Article 110: The operator of a nuclear installation shall not be liable for nuclear damage if it is established that such damage is the direct result of an act of armed conflict, hostilities, civil war, insurrection or natural disaster.

If the operator of a nuclear installation proves that the nuclear damage is the result, in whole or in part, of the gross negligence of the person who suffered the damage or that that person acted or omitted to act with the intention of causing damage, it may be relieved, in whole or in part, of the obligation to pay compensation for the damage suffered by that person.

Nothing in this Act shall affect the liability of any natural person who has caused, by an act or omission resulting from the intention to cause damage, nuclear damage for which the operator, in accordance with paragraphs 2 and 3 of this article, is not liable.

Article 111: This Chapter of the Act shall apply without discrimination on grounds of nationality, domicile or residence.

CHAPTER XIV: OFFENCES AND PENALTIES

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SECTION I:

Article 112: The following shall be punishable by twenty (20) years' imprisonment and a fine of 100,000,000 francs:

* to import and export the articles referred to in subparagraphs (a) and (b) of Article 4 of this Law;

* import sources of ionizing radiation without prior authorization;

* to use human radiological imaging for artistic or advertising purposes;

* to undertake or carry out any activity or practice involving sources of ionising radiation without having obtained an authorisation from the National Authority or without having submitted a notification to the National Authority;

* to set up an installation involving sources of ionising radiation without having obtained authorisation from the National Authority;

* to use a source of ionizing radiation for purposes other than peaceful;

* providing false information or supporting documents in support of the application for authorisation or when filing the declaration.

These penalties are not exclusive of the additional penalties provided for in Article 44 of the Criminal Code.

Article 113: The following shall be punishable by imprisonment for ten (10) years and a fine of 50,000,000 francs:

* failure to immediately declare to the National Authority the loss, theft or lack of radioactive sources;

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- * not to report to the National Authority incidents significant for the safety or security of the authorised activities;
- * not to submit to the National Authority any new facts or any modification of information previously provided in order to obtain authorization;
- * not to notify the National Authority of the cessation of an activity subject to authorisation or declaration;
- * carry out an activity or practice involving sources of ionising radiation, the duration of the authorisation for which has expired without having applied for and obtained the renewal of the said authorisation;
- * to carry out an activity or practice involving sources of ionising radiation despite a withdrawal or suspension of this activity pronounced by the National Authority;
- * to refuse to bear the cost of preventive measures and other measures provided for in this law;
- * failing to comply with its obligations relating to safety, security of radioactive sources, physical protection and safeguards and non-proliferation;
- * failing to comply with the safety and security provisions of this Act for any producer or holder of radioactive waste or radioactive effluents to protect people and the environment from the adverse effects of radioactive waste management activities.

These penalties are not exclusive of the additional penalties provided for in Article 44 of the Criminal Code.

Article 114: Failure to inform the competent authorities of a danger to the safety of the population during the transport of such materials shall be punishable by imprisonment of five (5) to ten (10) years and a fine of 25,000,000 to 50,000,000 francs.

- * for the holder of the permit for transport, transshipment or transit or for the person responsible for the transport of radioactive and nuclear materials;

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* comply with the requirements and technical regulations established by the National Authority;

* notify the National Authority of the cessation of an activity subject to authorisation or declaration.

These penalties are not exclusive of the additional penalties provided for in Article 44 of the Criminal Code.

Article 115: Without prejudice to the provisions of the Penal Code, a legal person, with the exception of the State and public authorities when they do not operate industrial or commercial services, may be held criminally liable for any of the offences provided for in this law.

The criminal liability of legal persons does not exclude that of natural persons for the same acts.

Article 116: The criminal liability of the legal person does not exclude that of its directors and managers as long as the constituent elements of the offence can be held against them.

In this case, the financial penalties pronounced against the directors and managers are paid by the legal person which has a recourse action against them.

SECTION 2: OFFENCES RELATING TO NUCLEAR SECURITY

Article 117: The following shall be punished by life imprisonment:

(1) Whoever, without legal authorization, receives, possesses, transfers, alters or disposes

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of radioactive/nuclear material, or possesses a device:

(a) with intent to cause:

(i) death or serious bodily harm; or

(ii) substantial damage to property or the environment.

(2) Any person who commits:

(a) simple theft or robbery of radioactive/nuclear material;

(b) diversion or other misappropriation of radioactive/nuclear materials;

(c) an act of transporting, sending or moving nuclear material to or from a State without being legally authorized to do so.

(3) Any person who threatens to commit an offence referred to in paragraph 2 (a) of this article in order to compel a natural or legal person, an international organization or a State to perform or refrain from doing any act;

(4) Any person who demands the surrender of radioactive/nuclear material or a device by threat, use of force or any other form of intimidation, in circumstances that make the threat credible.

Article 118: The following shall be punished by life imprisonment: Anyone

who uses or damages a nuclear installation, disrupts its operation or commits any other act directed against an installation in such a way as to release or risk the release of radioactive materials:

a) With the intention of causing:

i) death or serious bodily injury; or

(ii) substantial damage to property or the environment; or

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(b) Knowing that the act is likely to result in the death of persons or cause serious bodily harm or substantial damage to property or the environment as a result of exposure to radiation or the release of radioactive material;

(c) To compel a natural or legal person, an international organization or a State to perform or refrain from doing any act.

Any person who threatens to commit an offence referred to in paragraph 1 of this article.

Article 119: The Republic of Djibouti shall have jurisdiction to hear the offences referred to in this Chapter when:

(a) The offence is committed in the territory of the Republic of Djibouti or on board a ship or aircraft registered in the Republic of Djibouti;

(b) The alleged perpetrator of the offence is a national or permanent resident of the Republic of Djibouti;

(c) The alleged perpetrator of the offence is present in the territory of the Republic of Djibouti and is not extradited to any other State that declares itself competent;

(d) The offence was committed outside the territory of the Republic of Djibouti during the international transport of nuclear material and the Republic of Djibouti is the State of origin or the State of final destination of the consignment.

CHAPTER XV: TRANSITIONAL AND FINAL PROVISIONS

Article 120: This law shall enter into force on the date of its promulgation.

Persons or institutions whose activities or practices involving sources of ionising radiation covered by this Law shall have a period of six months from its publication to make a

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notification or an application for authorisation as necessary.

Article 121: This law, which repeals all previous provisions to the contrary, shall be executed as a law of the State and published in the Official Gazette.

The President of the Republic,

Head of Government

ISMAÏL OMAR GUELLEH