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THE PRESIDENT OF THE REPUBLIC, HEAD OF GOVERNMENT

HAVING REGARD TO the Constitution of 15 September 1992;

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

HAVING REGARD TO Law 111/AN/11/6th L of May 25, 2011 relating to the fight against terrorism and other serious offences;

HAVING REGARD TO Law No. 102/AN/20/8th L of February 18, 2021 implementing the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;

HAVING REGARD TO Law No. 106/AN/20/8th L of February 18, 2021 relating to radiological and nuclear safety, nuclear security and the application of safeguards;

HAVING REGARD TO Law No. 107/AN/20/8th L of February 18, 2021 establishing the National Authority for Nuclear, Radiological, Chemical and Biological Safety and Security;

HAVING REGARD TO Decree No. 2021-105/PRE of 24 May 2021 appointing the Prime Minister;

HAVING REGARD TO Decree No. 2021-106/PRE of 24 May 2021 appointing the members of the Government;

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HAVING REGARD TO Decree No. [2021-114/PRE](#) of May 31, 2021 establishing the responsibilities of the Ministries;

Upon the proposal of the Presidency of the Republic.

DECREE

TITLE I: GENERAL PROVISIONS

Article 1: This Decree establishes the rules for the organization and operation of the National Authority for Nuclear, Radiological, Chemical and Biological Safety and Security, abbreviated ANRCB or National Authority, in application of the following laws:

- 102/AN/20/8th L implementing the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction,
- 106/AN/20/8th L relating to radiological and nuclear safety, nuclear security and the application of safeguards, 107/AN/20/8th L establishing the National Authority for Nuclear, Radiological, Chemical and Biological Safety and Security.

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Article 2: The National Authority ensures, on behalf of the State, the control of radiological, nuclear, chemical and biological safety and security to protect the population and the environment from the risks linked to nuclear, chemical and biological activities in accordance with Law No. 107AN/20/8th establishing the National Authority for Nuclear, Radiological, Chemical and Biological Safety and Security.

Therefore, no one may undertake an activity or practice involving sources of ionizing radiation unless they hold an authorization issued by the National Authority;

Every Ministry, public or private establishment must notify the National Authority of the import or export of nuclear, chemical or biological materials for the purpose of obtaining an authorization in accordance with the provisions of Law 102/AN/20/8th and 106/AN/20/8th L relating to radiological and nuclear safety, nuclear security and the application of safeguards.

Article 3: Annex structures of the National Authority may, as needed, be created in other localities of the national territory upon deliberation of the Technical and Scientific Committee.

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Article 4: The National Authority is composed of civil servants, contract agents and agents seconded by public establishments who demonstrate competence in scientific and technical fields as well as in legal and administrative fields.

Staff of the National Authority's bodies will be required to sign and comply with a confidentiality clause.

TITLE II: THE BODIES OF NATIONAL AUTHORITY

Article 5: The organs of the National Authority are:

- The Technical and Scientific Committee (CTS),
- The General Directorate

Chapter 1: The Technical and Scientific Committee

Article 6: The Technical and Scientific Committee is composed of the Director General of the National Authority and nine (9) members chosen for their scientific and technical experience and skills, as well as for their moral integrity.

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The Technical and Scientific Committee is composed as follows:

1. A representative of the General Directorate of the National Security Service;
2. A representative of the Ministry of Higher Education and Research;
3. A representative from the Ministry of Health;
4. A representative from the Ministry of the Budget;
5. A representative of the Ministry of the Interior;
6. A representative of the Ministry of Environment and Sustainable Development;
7. A representative of the Ministry of Agriculture, Water, Fisheries, Livestock and Marine Resources;
8. A representative from the Ministry of Energy, in charge of Natural Resources;
9. A representative from the Ministry of Equipment and Transport.

Article 7: The members of the CTS are appointed by presidential decree for a term of five (5) years. The Director General of the National Authority transmits to the relevant Ministries or supervisory institutions the profiles of the candidates required to serve on the CTS.

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In the event of failure, replacement members will be appointed under the same conditions.

The members of the CTS enjoy the guarantees of independence necessary for their mandate.

Members of the CTS are subject to removal in the event of non-compliance with the confidentiality clause, or actions incompatible with their status as a member of the CTS, or gross misconduct.

Article 8: The Technical and Scientific Committee is chaired by the Director General of the National Authority for Nuclear, Radiological, Chemical and Biological Safety and Security.

Article 9: The Technical and Scientific Committee (TSC) assists the Director General in carrying out the following tasks:

- Ensure the consistency of technical, scientific and legal policy with national strategies and priorities;
- To assist the Government in developing national policy and regulatory control measures for activities and practices governed by law;

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- To issue an opinion on the granting, modification, suspension and cancellation of activities, practices and installations involving nuclear materials as well as chemical or biological products;
 - To contribute to emergency plans involving nuclear or radioactive materials as well as chemical and biological products and to ensure their follow-up;
 - Evaluate the performance criteria of Ministries or Institutions benefiting from cooperation programs or projects in the nuclear, radiological, chemical and biological fields;
 - Approve the fees related to the services provided by the National Authority;
 - To provide the National Authority with all information, reports and related documents concerning nuclear, chemical or biological products under the jurisdiction of their ministry or supervisory institutions;
 - To monitor the approved cooperation programs or projects;
 - Validate the quarterly and annual reports of the National Authority's cooperation programs or projects;
 - To give an opinion on:
- * The system for controlling the export and import of nuclear and radioactive materials, chemical and biological products;

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* The issuance, modification, suspension and cancellation of activities, practices and facilities involving nuclear materials, as well as chemical or biological products;

* The annual forecast activity report and the annual budget execution report;

* The mechanisms and procedures for informing and consulting the public;

Article 10: The Secretariat of the Technical Committee shall be provided by the representative of the Ministry of Higher Education and Research.

Article 11: The Director General of the National Authority may invite to the CTS, in an advisory capacity, any person belonging or not to the staff of the National Authority and likely to enlighten the Technical and Scientific Committee on the issues to be debated.

Article 12: The Technical and Scientific Committee shall meet in ordinary session upon convocation by its Chairman seven days before the holding of the session.

It may also be convened in extraordinary session at the request of the President or one-third of its members. In this case, the President of the CTS has fifteen days to summon the members of the CTS.

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The CTS may validly meet if a quorum of a simple majority of its members present is reached. If the required quorum is not met, the session is adjourned for seven days. The new session may then be held without a quorum requirement.

Article 13: Decisions are made and adopted by simple majority vote of the members present. In the event of a tie, the vote of the Chairman of the Technical and Scientific Committee shall prevail.

Minutes of the session are drawn up under the authority of the Chairman of the CTS.

Chapter 2: The General Directorate of the National Authority

Article 14: The General Directorate of the National Authority is headed by a Director General.

The Director General is responsible for ensuring the proper execution of the missions of the National Authority under Law No. 107/AN/8th L.

It oversees the management of the National Authority for Nuclear, Radiological, Chemical and Biological Safety and Security.

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Article 15: The Director General is appointed by presidential decree for a period of five (5) years and renewable for the same period and must have professional experience of at least ten years.

Article 16: The Director General of the National Authority has the following responsibilities:

- Represent the National Authority in dealings with third parties and sign all documents binding the Authority;
- To recruit, appoint, evaluate and dismiss staff members in accordance with applicable laws and regulations;
- To issue, modify, suspend or cancel authorizations and to set the conditions for practices, activities and installations involving nuclear or radioactive materials, as well as chemical and biological products;
- To authorize inspections, monitoring, and evaluations of activities and facilities in order to verify their compliance with applicable laws, regulations, and authorization conditions;

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- To coordinate, with the competent authorities, the conduct of interventions in the event of incidents or accidents involving nuclear materials as well as chemical and biological products;
- Stop the work program of the National Authority;
- To implement the decisions of the Technical and Scientific Committee;
- Submit the deliberations of the Technical and Scientific Committee to the Presidency of the Republic;
- Represents the National Authority in dealings with third parties and signs all documents binding the Authority;
- To ensure cooperation with the international community, in particular the conclusion of agreements between the National Authority and partner organizations;
- To be the national representative to the IAEA, the International Organisation against Chemical and Biological Weapons, as well as all other organisations involved in the areas of action of the National Authority.

Article 17: The Director General may delegate his signature to a Director chosen from among the Directors of the National Authority.

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Article 18: For the execution of its missions, the National Authority has the following four (4) Directorates:

- The Directorate of Science, Applications, Certification and Technical Cooperation;
- The Alert and Control Directorate;
- The Directorate of Regulation, Information and Communication;
- The Administrative and Financial Department.

Article 19: The Directors are appointed by decree of the President of the Republic.

Article 20: Heads of department are appointed by the Director General after consultation with the Director concerned.

Chapter 4: The Directorate of Science, Applications, Certification and Technical Cooperation

Article 21: The Directorate of Science, Applications, Certification and Technical Cooperation comprises two departments:

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- The Science, Applications and Certification Department,
- The Technical Cooperation Service.

Article 22: The Science, Applications and Certification Department is responsible for:

- Analyze nuclear, radiological, chemical and biological elements for the issuance of certificates of conformity according to the requirements established by the texts in force;
- Issue certificates of analysis to suspend or cancel declared activities as undeclared activities having an impact on humans, biodiversity and the environment;
- Acquire and manage the scientific equipment and consumables of the National Authority;
- Strengthen the operational regime for nuclear, radiological, chemical and biological safety and security at the national level;
- Verify the compliance of requests for technical cooperation with international organizations;
- To monitor the technical implementation of agreements concluded with international partners;

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– To strengthen and expand the uses of nuclear, chemical and biological science and technology in development programs and strategies.

Article 23: The Technical Cooperation Service is responsible for:

– To seek partnership opportunities within the framework of cooperation with international organizations and development partners;

– To help mobilize resources for cooperation programs and projects;

– Develop strategies, guidelines and procedures for the technical cooperation program;

– Coordinate, plan and ensure the proper management of country and regional programs with ministerial departments and international organizations;

– To evaluate, for training purposes, personnel responsible for handling ionizing sources, chemical and biological products;

– To strengthen national capacities in the field of nuclear, chemical and biological science and technology.

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Article 24: The Directorate of Applied Sciences, Certification and Technical Cooperation is headed by a Doctor of Science (BAC+8 in Chemistry, Biology or Physics) with five (5) years of experience in managing scientific projects and international cooperation programs such as the International Atomic Energy Agency, the International Organisation against Chemical and Biological Weapons.

Chapter 5: The Alert and Control Directorate

Article 25: The Alert and Control Directorate is composed of two departments:

- The alert service,
- The inspection service.

Article 26: The alert service is responsible for:

- Conduct security monitoring of radiological, chemical, and biological risks;
- Coordinate the radiological, chemical, and biological crisis unit at the national level;
- Manage security incidents and arrangements relating to the preparation and conduct of emergency interventions;

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- To establish the program and monitoring of the physical protection of nuclear, chemical and biological materials;
- To establish and conduct the national program for the detection of nuclear materials, chemical weapons, and biological weapons;
- Conduct dosimetric measurements of workers and authorize or stop their activity; Ensure the medical monitoring of exposed workers;
- Establish the national program for the search for orphan sources;
- Create and maintain the national system for accounting and controlling nuclear, chemical and biological materials;
- Organize and lead radiological, chemical, and biological crisis exercises with the various stakeholders.

Article 27: The control service is responsible for:

- To process and monitor licenses and authorizations for facilities and activities as well as means of transport;
- Control sites using radioactive, chemical and biological materials;

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- Establish regulatory inspection programs in the radiological, chemical, and biological fields;
- Conducting inspections related to radiation protection, protection against chemical and biological risks;
- To monitor the application of safety standards in the transport and management of radioactive, chemical and biological materials;
- Control the storage center for radioactive, chemical and biological materials;
- To guarantee the maintenance and sustainability of the detection equipment and facilities made available to them;
- Define infrastructure standards and represent the National Authority in infrastructure operations;
- Ensure the validation of:
 - * Compliance of the premises with radiation protection requirements,
 - * The means planned for the return shipment of sealed high-activity sources to their country of origin at the end of their useful life.

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Article 28: The Alert and Control Directorate is headed by a science engineer specializing in radiation protection or chemistry or biology with five (5) years of experience.

Chapter 6: The Directorate of Regulation, Information and Communication

Article 29: The Directorate of Regulation, Information and Communication is composed of two departments:

- The Regulatory Department;
- The Information and Communication Service.

Article 30: The Regulatory Service is responsible for:

- To monitor compliance with and application of applicable regulations and laws;
- To provide opinions on draft laws and decrees relating to civil, chemical and biological nuclear safety;

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- To provide legal expertise on applications for authorizations or approvals;
- To monitor disputes and litigation;
- To study the agreements and treaties established with partners;
- To develop and monitor bilateral and multilateral agreements;
- Ensure the commitment to subscribe, with regard to activities or practices

by regulatory means, an insurance policy covering civil liability arising from the activity that is the subject of the authorization request;

- Establish a national licensing registration system.

Article 31: The Information and Communication Service is responsible for:

- Develop and implement the National Authority's communication strategy as well as appropriate mechanisms and procedures to inform and consult the public;
- To ensure the dissemination of scientific knowledge already popularized to different audiences;
- To publish books, newsletters, and scientific and technical journals;
- To ensure the maintenance of the Authority's archives;

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- Manage all digital communication platforms of the National Authority;
- Maintain the entire IT infrastructure of the National Authority.

Article 32: The Directorate of Regulation, Information and Communication is headed by a holder of a Master's degree in Law, Marketing or Computer Science with five years of experience.

Chapter 7: The Administrative and Financial Department

Article 33: The Administrative and Financial Directorate relies, within the framework of its activities, on two (2) departments:

- The Human Resources and Materials Department;
- The Financial Resources Department.

Article 34: The Human Resources and Materials Department ensures:

- Identifying needs and defining the profiles of the positions to be filled;

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Human resources management (forecasting, career plan, job profiles, discipline);

- The management of contracts for missionary and permanent experts;
- The processing of transport and mission files and the issuance of corresponding documents and orders;
- Monitoring and maintenance of materials and equipment (furniture and office equipment);
- The management and maintenance of buildings;
- Monitoring and maintenance of transport equipment, generator, supply and stock management.

Article 35: The Financial Resources Department is responsible for:

- Prepare and present the draft budget;
- Monitor financial management;
- Manage centralized funds, and settle expenses;
- Centralize and maintain the institution's administrative accounting.

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Article 36: The Administrative and Financial Directorate is headed by a civil administrator with five (5) years of experience, holding a degree in economics or finance.

TITLE III: FINANCIAL ORGANIZATION

Chapter 1: Procedures Manual

Article 37: The technical operation of the bodies is described exhaustively in the National Authority's procedural manual.

Chapter 2: Accounting Officer of the Authority

Article 38: The Accounting Officer of the Authority has the status of a public accountant. He is appointed by decree issued in the Council of Ministers.

The accounting officer is personally and financially liable for the transactions he handles or records in his accounts. He alone is competent to:

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- Collect revenue and pay expenses;
- Maintain the general accounts;
- To hold and maintain funds and manage cash flow.

Chapter 3: Budget

Article 39: The budget is prepared by the Administrative and Financial Director. It is submitted to the Director General before approval by the Technical and Scientific Committee.

Article 40: The budget of the National Authority is comprised of:

- In recipes:
 - * From the contribution of the State budget;
 - * Internal resources (analysis, certification, licenses, authorizations, cancellation or suspension);
 - * Donations and bequests.

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– In terms of expenses:

* Operating costs;

* Payroll taxes and various remuneration;

* Capital expenditures.

Article 41: The Authority may open accounts with local private banks from which expenses will be deducted and revenues paid, including subsidies from the State, partner organizations and international, regional or local funds.

Article 42: The Director General is the authorizing officer for the National Authority's budget. In this capacity, he commits, liquidates, and authorizes expenditures.

Article 43: The Director General of the National Authority is responsible for the execution of this Decree, which shall be registered, published and executed wherever necessary.

Article 44: This decree shall enter into force upon its signature.

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The President of the Republic,

Head of Government

ISMAÏL OMAR GUELLEH