

Legislative Decree No. 64 (2005)
Prime Minister Decree No. 134 (2007)
On Radiation Protection and Safety
and Security of Radiation Sources



Syrian Arab Republic

Legislative Decree No. 64

President of the Syrian Arab Republic
Based upon the Provisions of the Constitution,

Decides the following:

CHAPTER I Definitions

Article 1

For the purposes of this Legislative Decree, the following expressions shall have the meanings declared thereafter:

- **Commission:** The Atomic Energy Commission in the Syrian Arab Republic.
- **Director General:** The Director General of the Commission.
- **Syrian Territories:** Lands of the Syrian Arab Republic, its internal water, territorial sea, subsoil, the space over those lands and the sea areas on which the Syrian Arab Republic has sovereignty.
- **The Regulatory Organ:** The scientific and administrative component in the Commission which is in charge of applying the provisions of this Legislative Decree.
- **Ionizing Radiation:** Radiation capable of producing ion pairs in material(s).
- **Radioactive Material:** Material capable of emitting ionizing radiation. It can be natural or man made.
- **Nuclear Material:** Any Fissionable material such as plutonium except that with isotopic concentration exceeding 80% in plutonium-238, uranium-233, uranium enriched in the isotope 235 or 233, and any material containing one or more of the foregoing.
- **Exposure:** The act or condition of being subject to irradiation, in all its types and states.
- **Radiation Generator:** Device capable of generating ionizing radiation, such as neutrons, X rays, electrons or other charged particles.
- **Radiation Source:** Anything that may cause radiation exposure, such as by emitting ionizing radiation or releasing radioactive substances, and can be treated as a single entity for protection and safety purposes.
- **Damage:** Harm arising from the radioactive properties or a combination from radioactive properties with toxic, explosive or other hazardous properties of a radiation source, which occurs to a person and causes to him or his descendents a

temporary or permanent deformity, or loss of life, or causes him direct or indirect financial or economic loss, or causes destruction, impairment, or damage, to the environment or properties including the costs of reinstatement and preventive measures.

- **Radiological or Nuclear Emergency:** An intended or unintended accident that necessitates prompt action to mitigate hazard and adverse consequences for human health and safety, environment and properties. It can be a radiological emergency due to the exposure to radiation emitted by any radioactive material or radiation source, or a nuclear emergency due to the energy resulting from a nuclear chain reaction or from the decay and spreading of the products of a nuclear chain reaction.
- **Incident:** Any accident or series of accidents having the same origin, the consequences or potential consequences of which are not negligible from the point of view of protection and safety.
- **Accident:** Any unintended event, including operating errors, equipment failures or other mishaps, the consequences or potential consequences of which are not negligible from the point of view of protection or safety.
- **Protection:** The protection of people against the effects of exposure to ionizing radiation, and the means for achieving this.
- **Safety:** Measures intended to minimize the likelihood of accidents involving radiation sources and, should such an accident occur, to mitigate its consequences.

Security: Measures to prevent unauthorized access, or damage to, and loss, theft or unauthorized transfer of radiation sources.

- **Facility:** A facility and its associated lands, buildings and equipment in which nuclear or radioactive materials are produced, processed, used, handled, stored, or disposed of, or where radiation generators or radiation sources are installed or to be installed, on such a scale that consideration of protection and safety is required.
- **User:** The natural or legal person holding a license for handling radioactive materials, radioactive wastes and their origins, and who has the prime responsibility for protection, safety and security in relation to a facility or radiation source.
- **Practice:** Any human activity introducing additional sources of exposure, or extends exposure to additional people or modifies the network of exposure pathways from existing sources, so as to increase the exposure or the likelihood of exposure of people or the number of people exposed.
- **Intervention:** Any action intended to reduce or avert exposure or the likelihood of exposure to radioactive sources.
- **Radioactive Waste:** Radioactive materials, whatever its physical form, remaining from practices or interventions and for which no further use is foreseen, that contains or is contaminated with radioactive substances.
- **Protective Action:** An intervention intended to prevent, reduce or avoid exposure of the public or individuals or the environment to any kind of harmful chronic or acute radiation.
- **Preventive measures:** Any measures taken by any person, group of persons, public or private, national, Arabic or foreign legal person, before and after an incident has occurred to prevent or minimize damage.

- **Illicit Trafficking:** Receipt, possession, use, transfer, or disposal of radioactive material without license.
- **Radioactive Contamination:** The presence of radioactive substances in or on material or the human body or other environmental constituent where they are undesirable or could be harmful.

CHAPTER II

Scope

Article 2

- A. This Legislative Decree shall apply to all situations leading to exposure or potential exposure to ionizing radiation from any radiation source.
- B. The Commission is to determine, by a formal decision based upon a recommendation by the Committee of "Radiation Protection and Safety and Security of Radiation Sources", the exposures excluded from provisions of this Legislative Decree due to being un-amenable to control, and the exposures exempted from this legislative decree due to their negligible potential hazard.

CHAPTER III

Responsibilities for Protection, Safety and Security

Article 3

Any person who possesses a radiation source should take all necessary measures to ensure safety and security of this source and to protect persons, environment and properties from the risks associated with the exposure to it, in accordance with the provisions of this Legislative Decree and the regulations, instructions and guidelines issued for the implementation of this Legislative Decree.

Article 4

No natural or legal person, regardless of his nationality, shall do any of the following except in accordance with the regulations, instructions and guidelines issued based upon the provisions of this Legislative Decree:

- A. Commencing, suspending or terminating any practice involving ionizing radiation sources defined in this Legislative Decree.
- B. Designing, manufacturing, assembling, importing, exporting, delivering, receiving, loaning, lending, hiring, selling, buying, distributing, possessing,

transferring, operating, using, maintaining, repairing, disassembling, decommissioning, storing, disposing or handling a radiation source in any way whatsoever.

- C. Transporting of radioactive materials.
- D. Releasing radioactive materials into the environment
- E. Disposing of radioactive wastes, in any way whatsoever.
- F. Constructing a facility or part or phase thereof, or operating, possessing, maintaining, modifying, decommissioning a facility, or conducting any works, or operations, or studies related to a facility in any way whatsoever.

Article 5

No natural person shall work in a facility or use a radiation source except in accordance with the regulations, instructions, and guidelines issued based on the provisions of this Legislative Decree.

Article 6

Any natural or legal person who possesses a radiation source, regardless of his nationality, is prohibited from transferring the source to others in any way whatsoever except if he verified that the receiver has a license for its possession.

Article 7

- A. It is prohibited to bring disused radioactive materials into the Syrian territories in any way whatsoever (import, with passengers, in a diplomatic bag, smuggling, etc.) for the purpose of storing, burial, disposing of them in any way whatsoever.
- B. Radioactive materials officially manufactured (totally or partially) in the Syrian territories or those returned from abroad to the officially licensed manufacturer to be managed safely are excluded from the provision of clause (A) above.

Article 8

Users possessing radiation sources shall promptly notify the Commission of:

- A. Losing control over a radioactive source, in any way whatsoever.
- B. Any incident which may lead to a damage.
- C. Any situation requiring or may be requiring protective actions.

CHAPTER IV

The Regulatory Authority

Article 9

- A. The Commission is the regulatory authority in charge of preparing regulations and issuing instructions and guidelines necessary for the implementation of the provisions of this Legislative Decree.
- B. The Commission is to establish a regulatory organ in charge of applying the provisions of this Legislative Decree. This organ should be directly affiliated to the Director General who is assuming the authorities granted to him in connection with the implementation of this Legislative Decree.
- C. The Commission is to provide the regulatory organ with the qualified personnel, financial resources, facilities, equipment, and devices necessary for its activities.
- D. The Commission is assisted by an advisory committee of specialists from concerned ministries and scientific institutions, called "Committee of Radiation Protection, Safety and Security of Radiation Sources". This Committee is to be established by a decision from the Commission Board.

Article 10

The Commission is responsible for establishing a national capability for response to nuclear or radiological emergencies and should cooperate, in this field, with other concerned authorities and provide advices and technical and scientific support related to intervention and response to nuclear or radiological emergencies as appropriate.

Article 11

The Commission is the competent authority which approves the design of packages for transporting radioactive materials, radioactive wastes or disposing thereof.

Article 12

The Commission is empowered to:

- A. Represent the Syrian Arab Republic in conferences and meetings related to radiation protection, safety and security and to cooperate with regulatory authorities in other countries and with the concerned international organizations, and to exchange information with them in accordance with the applicable laws and regulations.
- B. Promoting protection, safety and security culture among the public by all public media accepted by the Commission.

Article 13

The Commission is to take appropriate measures and actions to:

- A. Detect cases of illicit trafficking and illegal brokerage with nuclear or radioactive materials.
- B. Verify that there is no radioactive contamination exceeding the national permissible levels defined by the Commission in the goods imported into Syria or passing Syria in transit.

Article 14

- A. The Commission issues licenses for practices and persons in connection with this Legislative Decree.
- B. The Commission may impose additional conditions in the license to achieve more safety provided that these conditions are not contradicting the contents of this Legislative Decree and the regulations, instructions and guidelines issued for the implementation of its provisions.

Article 15

- A. The Commission conducts inspections on facilities and sites in which radiation sources are used or located, and on relevant records, evidences and documents related to those facilities or sources in order to verify the compliance with the provisions of this Legislative Decree and the regulations, instructions and guidelines issued for the implementation of its provisions.
- B. The Commission appoints inspectors from its specialized staff members to conduct the inspections. Those inspectors are to be nominated in accordance with rules to be issued by the Commission specifying the required conditions and qualifications of those inspectors.
- C. The Commission issues an Identification Card for each inspector, including his photograph and data deemed necessary by the Commission.

Article 16

- A. Inspectors have the capacity of Judicial Police and the right to access facilities and sites in which radiation sources, records, evidences or documents related to those facilities or sources are located, to examine their contents, to conduct necessary measurements and to carry out what is deemed necessary for verifying compliance with the provisions of this Legislative Decree, the regulations, instructions and guidelines issued for its implementation and the conditions stated in the licenses.
- B. Inspectors shall not exploit the authorities granted to them in contrary to the provisions of this Legislative Decree, and the regulations, instructions and guidelines issued for its implementation, and shall respect profession confidentiality, in accordance with the provisions of the Penal Law issued under the Legislative Decree No. /148/ of 22 June 1949. Otherwise, they will be subjected to the stipulated penalties.

- C. Before commencing their work, inspectors shall take an oath before the chairman of the Civil Court of First Instance that they will work truthfully, honestly and sincerely.
- D. Inspectors' reports have the effect of minutes made by Judicial Police.

CHAPTER V

Responsibilities and Sanctions

Article 17

- A. The user assumes civil liability for compensating damage arising from an incident, and this liability is assumed regardless of mistakes being done by himself, in the following cases:
 - 1. if the incident occurred in the facility he operates.
 - 2. If the incident is related to radiation sources or radioactive waste sent from the facility he operates, or stored in it prior to shipping and the incident occurred before transferring the legal liability to another party, pursuant to expressed terms in writing, or, in the absence of such terms, before delivering them to that party.
 - 3. If the incident is related to radiation sources or radioactive waste shipped to the facility he operates, or stored prior to shipping to the facility, and the incident occurred after transferring the legal liability to him, pursuant to expressed terms in writing, or, in the absence of such terms, after delivering them to him.
- B. The user is not considered liable in accordance with the provisions of this Legislative Decree for:
 - 1. Damage due to an incident resulting directly and mainly from armed conflict, war, hostilities, insurrection, civil war or natural catastrophe whose effect is beyond design basis limits of the facility as approved by the regulatory authority.
 - 2. Damage incurred to a person if it is proved that the damage occurred wholly or partially either from the gross negligence by that person or from an act or omission of that person done with intent to cause damage.

Article 18

Where damage engages the liability of more than one user, the users involved shall, in so far as the liability attributable to each user could not be determined, be jointly and severally liable for the damage arising from or within operation, unless the responsibility of each of them is determined.

Article 19

The non-liability of a user in accordance with the provisions of this Legislative Decree does not imply that he is not liable under the provisions of other legislations.

Article 20

- A. Any person stealing, robbing, embezzling, fraudulently obtaining, bringing into or out of Syrian territories without a legal permission a radiation source shall be punishable with imprisonment from six months to five years and a fine from one million to five millions Syrian Pounds.
- B. If the action is related to a radiation source which causes or may cause a severe damage to persons, environment or properties, the punishment shall be imprisonment for at least five years and a fine from five to thirty millions Syrian Pounds.

Article 21

Any person committing any of the following actions shall be punishable with imprisonment from three to five years and a fine from one million to three millions Syrian Pounds:

- 1. attempting to obtain a radiation source by using force or by threatening to use force or by any other form of intimidation or blackmail.
- 2. threatening to use a radiation source to cause damage to persons, environment or properties.
- 3. threatening to commit an action against a facility or an action involving the use of a radiation source in order to compel a natural or legal person, including international organizations or states, to do or to refrain from doing any act.

Article 22

- C. Any person breaching the provisions of articles (3), (4), (6) and (8) of this Legislative Decree shall be punishable with imprisonment from six months to three years and a fine from one hundred thousand to three millions Syrian Pounds, or one of these two punishments.
- D. If the action is related to a radiation source which causes or may cause severe damage to persons, environment or properties, the punishment shall be aggravated to imprisonment from three to five years and a fine from one million to three millions Syrian Pounds.
- E. It is permitted to adjudge to confiscate the radioactive source. In this case, the source shall be put under the authority of the Commission.
- F. It is permitted to adjudge to suspend the operation of the facility from one month to two years. In case of repetition, it is permitted to adjudge to permanently shut down the facility.

Article 23

Any person breaching the provisions of article (5) of this Legislative Decree shall be punishable with imprisonment from three months to one year and a fine from fifty thousands to two hundred fifty thousands Syrian Pounds, or with one of these two punishments.

Article 24

Any person breaching the provisions of Paragraph (A) of article (7) of this Legislative Decree shall be punishable with imprisonment for at least seven years and a fine from five to thirty millions Syrian Pounds.

Article 25

Any person preventing or hindering Commission's inspectors from performing their duties specified in this Legislative Decree, or in the instructions, regulations and guidelines issued for its implementation shall be punishable with imprisonment from three months to one year, and a fine ranging from fifty thousands to two hundred fifty thousands Syrian Pounds, or one of these two punishments.

Article 26

In the cases in which the Commission believes they cause or may cause damage to persons, environment or properties, the Commission may:

- A. administratively confiscate radiation sources either in their location or in any other place as deemed convenient. Confiscation shall continue till its reasons are eliminated.
- B. administratively suspend the operation of facilities. Suspension shall continue till its causes are eliminated.

Article 27

The application of punishments specified in this Legislative Decree does not exclude the application of other greater punishments specified in any other Legislation.

Article 28

Taking into consideration the provisions of valid legislations:

- A. The Syrian Courts have the jurisdiction to consider compensation for damages in the following cases:
 - 1. if the incident occurred completely or partially in the Syrian territories.
 - 2. if the incident occurred completely in international waters or space, or if the place of occurrence could not be precisely determined, and where the concerned facility is placed within the Syrian territories.
- B. The Syrian Courts have the jurisdiction as well to consider the offences defined in this Legislative Decree in the following cases:

1. If the offence is committed in the Syrian territories or on board of a ship or an aircraft registered in Syria.
2. If the offence is committed by a Syrian citizen or by whom is considered Syrian.
3. If the offence is committed by a person while in Syria.

CHAPTER VI

Transitional and General Provisions

Article 29

Any person owning or operating a facility or possessing a radiation source or radioactive wastes on the entry-into-force date of this Legislative Decree shall submit an application to the Commission within one year thereafter to obtain the necessary licenses.

Article 30

Expenses arising from the implementation of this Legislative Decree should be disbursed from the funds allocated thereto in the Commission's budget.

Article 31

The regulations required for the implementation of this Legislative Decree shall be issued under a Decision by the Prime Minister based upon a proposal by the Commission's Board.

Article 32

The provisions of Law No. 59 of 1960, and all other provisions contradicting this Legislative Decree are hereby repealed.

Article 33

This Legislative Decree shall be published in the Official Gazette.

Damascus, 03.08.2005

President of the Republic
Bashar AL-ASSAD
(Signature)