

APPROVED by
Order of the Minister of the Environment
of the Republic of Lithuania
No 397 of 13 December 1999
(by Order No 423 of 16 October 2000;
by Order No 329 of 20 June 2001)

Procedure for the Import into, Export out of, Transit and Shipment within the Country of Radioactive Substances and Radioactive Waste, and the Return of Used Sealed Sources

I. Definitions

1. For the purpose of this Procedure, the following definitions shall apply:

'nuclear materials' means plutonium, uranium (natural, enriched in ^{235}U or depleted ^{233}U) and thorium, either in metal, alloy, chemical compound or concentrate, or in mixture of other materials;

'fissile radioactive materials' means uranium-233, uranium-235, plutonium-238, plutonium-239, plutonium-241 or any mixture of the foregoing isotopes; this category does not, however, include unirradiated natural uranium or depleted uranium, as well as natural uranium or depleted uranium irradiated in a reactor with slow neutrons;

'shipment' means transport operations from the place of origin to the place of destination, including loading and unloading, of radioactive substances or radioactive waste;

'consignee' of radioactive substances or radioactive waste means a legal person or an undertaking possessing no legal personality to whom such material is shipped and which has the legal responsibility for such material upon the receipt thereof;

'authorisation' means a formal written document issued by the regulatory authority and enabling the import into, export out of, transit and shipment within the country of radioactive substances or radioactive waste; such authorisation may take the form of a declaration;

'radioactive substances' means sealed sources and any substance that contains radionuclides the activity or specific activity of which exceeds the established [4.6] exemption levels;

'radioactive waste' means any material which contains or is contaminated by radionuclides and for which no use is foreseen, as well as used sealed sources;

'regulatory authority' means any authority which, under the law or regulations of the countries of origin, transit or destination, are empowered to implement the system of supervision and control;

'consignor' means a legal person or an undertaking possessing no legal personality who has the legal responsibility for radioactive substances or radioactive waste and who makes the necessary arrangements for such material to be shipped to the consignee;

'special conditions' means the provisions approved by the regulatory authority in accordance with which shipments of radioactive waste can be carried out in cases where such shipments cannot be carried out pursuant to the Regulations for the Safe Transport of Radioactive Material; 'sealed source' means the source of ionising radiation permanently sealed in a capsule or closely bounded which protects individuals from the direct contact with radionuclides contained therein;

'other source' means any radioactive substance other than a sealed source.

II. Purpose and Scope of Application

2. This Procedure regulates the import into, export out of, transit and shipment within the country of dangerous substances of class 7, viz. radioactive substances, including radioactive waste. The list of radioactive substances is given in the Annex (Annex 1).

3. Persons with radionuclide devices (e.g. cardiac pacemakers) or persons to whom radiopharmaceuticals were administered for diagnostic or treatment purposes shall be excluded from the scope of application of this Procedure.

III. References

4. This Procedure has been drawn up pursuant to the following:
- 4.1. Law on Environmental Protection of the Republic of Lithuania (Official Gazette No 5-75, 1992; No. 57-1335, 1996; No 65-1540, 1997);
 - 4.2. Law on Radiation Protection of the Republic of Lithuania (Official Gazette No 11-239, 1999);
 - 4.3. Law on Radioactive Waste Management of the Republic of Lithuania (Official Gazette No 50-1600, 1999);
 - 4.4. Law Concerning Control of Import, Transit and Export of Strategic Goods and Technologies of the Republic of Lithuania (Official Gazette No 61-1533, 1995);
 - 4.5. Resolution of the Government of the Republic of Lithuania on the Procedure of Implementation of Import, Transit and Export Licensing and Control of Strategic Goods and Technologies (Official Gazette No 67-1690, 1997);
 - 4.6. Lithuanian hygiene norm HN73-1997 "The Basic Standards of Radiation Protection" (Official Gazette No 1-31, 1998);
 - 4.7. Annex 18 to the Convention on International Civil Aviation of the International Civil Aviation Organisation (ICAO) and DOC 9284-AN/905 "Technical Instructions for the Safe Transport of Dangerous Goods";
 - 4.8. Convention concerning International Carriage by Rail (COTIF);
 - 4.9. Regulations concerning the International Carriage of Dangerous Goods by Rail (RID);
 - 4.10. European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Official Gazette No 106 (1,2)-2931, 1998);
 - 4.11. Annex 2 "Regulations concerning the Carriage of Dangerous Goods" to the Agreement on the International Carriage of Goods of the Organisation for Railways Cooperation;
 - 4.12. International Maritime Dangerous Goods Code (IMDG) of the International Maritime Organisation (IMO);
 - 4.13. Regulations for the Safe Transport of Radioactive Material, Safety series No 6, Vienna, IAEA (1990);
 - 4.14. Council Regulation (Euratom) No 1493/93 of 8 June 1993 on shipments of radioactive substances between Member States;
 - 4.15. Council Directive (Euratom) No 92/3 of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community;
 - 4.16. Commission Decision (Euratom) No 93/552 of 1993 October 1 establishing the standard document for the supervision and control of shipments of radioactive waste referred to in Council Directive (Euratom) No 92/3;
 - 4.17. Law on Levies of the Republic of Lithuania (Official Gazette No 52-1484, 2000);
 - 4.18. Law on Safe Shipping of the Republic of Lithuania (Official Gazette No 75-2264, 2000);
 - 4.19. Resolution No 1458 of 15 December 2000 on the Approval of a List of Objects Subject to State Levies, as well as the Amount and the Procedure for Payment and Refund of such Levies (Official Gazette No 108-3463, 2000);
 - 4.20. Resolution No 337 of 23 March 2000 of the Government of the Republic of Lithuania on the Carriage of Dangerous Goods by Road in the Republic of Lithuania (Official Gazette No 26-694, 2000);
 - 4.21. Regulations for the Safe Transport of Radioactive Material, IAEA Safety Standards Series No. ST-1.

IV. Requirements for the Shipment of Radioactive Substances and Radioactive Waste

5. Radioactive substances and radioactive waste can be carried by air, waterways, rail or road. Transport and other relevant operations must comply with:
- 5.1. requirements set forth in the following international agreements applicable to the respective modes of transport:
 - 5.1.1. in the case of shipment by road – Agreement [4.10];
 - 5.1.2. in the case of shipment by air – Convention [4.7];
 - 5.1.3. in the case of shipment by sea – Code [4.12];
 - 5.1.4. in the case of shipment by rail – Convention [4.8], Regulations [4.9] and Agreement [4.11];

5.2. requirements prescribed by the legislation of the Republic of Lithuania;
5.3. provisions of the law of the European Union [4.14, 4.15, 4.16];
5.4. requirements prescribed by Regulations [4.21] (until 31 December 2001, shipments by road, rail and sea can be carried out pursuant to Regulations [4.13] provided that the provisions of these regulations are applied in the country of the consignor).

6. The shipment of radioactive substances by post is prohibited.

7. The import into and export out of, transit and shipment within the Republic of Lithuania of radioactive substances, as well as the export out of, transit and shipment within the Republic of Lithuania of radioactive waste is subject to an appropriate authorisation granted by the Government of the Republic of Lithuania or the Ministry of the Environment, as well as a license issued by the Radiation Protection Centre of the Ministry of Health for engaging in operations (activities) related to sources of ionising radiation.

8. The import into, export out of and transit of radioactive substances that have been entered into the lists of controlled strategic goods and technologies is subject to a license issued by the Ministry of Economy. The authorisation of the Ministry of the Environment shall not be required in this case.

9. Health care, scientific and educational establishments and undertakings as well as public administration institutions and executive bodies shall be granted authorisations for the shipment of radioactive substances by the Ministry of the Environment. In all other cases, authorisations shall be issued by the Government of the Republic of Lithuania.

10. In order to obtain authorisation for the import into, transit or shipment within the country of radioactive substances, the consignee shall submit an application for authorisation (Annex 2) to the Ministry of the Environment. In order to obtain authorisation for the export of radioactive substances, the application to the Ministry of the Environment shall be submitted by the consignor. In order to obtain authorisation for the export out of and shipment within the country of radioactive waste, the application for authorisation (Annex 3) shall be submitted by the consignor. In order to obtain authorisation for the transit of radioactive waste, the application shall be submitted by the consignee.

11. In order to obtain authorisation for the import of sealed sources into Lithuania, the applicant must either submit documents which would reasonably ensure that such sources will be returned to the supplier of the sources after their use or a written consent granted by the State Atomic Energy Safety Inspectorate which enables to entomb such sources in Lithuania. Used sealed sources can be returned to Lithuania provided they are returned to the legal person who produced them and who has been authorised to accept and keep them.

12. The application must be approved by the Radiation Protection Centre of the Ministry of Health and the State Atomic Energy Safety Inspectorate (in the case of shipment of nuclear materials or sources containing nuclear materials). The application must be accompanied by: a document characterising the radioactive substance involved in the shipment (a certificate, passport or certificate of examination), description of the intended use and a copy of a license for engaging in operations (activities) related to sources of ionising radiation.

13. The Ministry of the Environment shall examine the application for authorisation submitted to it within 10 calendar days from the date of registration of such application and shall take decision to grant authorisation for the import into, export out of, transit or shipment within the country of radioactive substances or for the export out of, transit and shipment within the country of radioactive waste (Annexes 4 and 5) or, alternatively, it shall draw up a reasoned refusal to issue such authorisation and shall notify the applicant of such refusal in writing by registered mail.

14. In cases where it is necessary to establish special conditions for shipment or to carry out examination of the packaging, the application shall be examined within 30 days from the date of receipt of such application. The Ministry of the Environment shall make the necessary arrangements for such examinations to be carried out while the applicant shall bear the costs thereof.

15. Where authorisation of the Government of the Republic of Lithuania is required, the Ministry of the Environment, upon receipt of the application for authorisation, shall submit the copies

of the documents to the Ministry of Economy, the Radiation Protection Centre of the Ministry of Health, and the State Atomic Energy Safety Inspectorate (in cases where shipment involves nuclear materials). They shall examine the documents within 10 calendar days and submit their conclusions to the Ministry of the Environment. Where a favourable decision has been taken, the Ministry of the Environment shall, within 20 calendar days, draw up and submit to the Government a draft decision for granting authorisation or, alternatively, it shall draw up a reasoned refusal to issue such authorisation and notify the applicant of such refusal in writing by registered mail.

16. Authorisation shall be refused:

16.1. due to failure to comply with the legislation of the Republic of Lithuania, international conventions and agreements ratified by the Republic of Lithuania, and the policy and security of the State;

16.2. due to failure to comply with this Procedure, Regulations for the Safe Transport of Radioactive Material and standards of radiation protection, and where the documents submitted do not comply with the established requirements or contain misleading data.

17. In the event of refusal, the applicant shall have the right to apply to the Ministry of the Environment with request to re-examine his application for authorisation.

18. Where the Ministry of the Environment refuses to grant authorisation, such refusal shall be notified to the Radiation Protection Centre of the Ministry of Health.

19. Authorisation to the applicant or his authorised representative will be granted only upon presentation of a document certifying the payment of State levies.

20. In the case of loss of the authorisation, not later than within 5 calendar days the applicant shall notify the Ministry of the Environment of such loss.

21. Where it is established that the holder of authorisation does not comply with the requirements of this Procedure, Regulations for the Safe Transport of Radioactive Material or standards of radiation protection, the authorisation shall be withdrawn by the order of the Minister of the Environment. If authorisation is withdrawn, the holder of the authorisation shall be immediately informed of such withdrawal and must return it to the Ministry of the Environment.

22. Not later than within 10 calendar days upon receipt of radioactive substances, the consignee shall send to the Radiation Protection Centre of the Ministry of Health a notification stating that sealed sources of ionising radiation or radioactive substances have reached their destination (Annexes 6 and 7), while in the case of nuclear materials or sources containing nuclear materials, such notification shall also be sent to the State Atomic Energy Safety Inspectorate. Not later than within 10 calendar days, the holder of radioactive waste shall notify the Ministry of the Environment and the Radiation Protection Centre by registered mail of the receipt of such waste.

23. Radioactive substances can be imported into the customs territory of the Republic of Lithuania, exported out of the customs territory of the Republic of Lithuania and shipped in transit within the customs territory of the Republic of Lithuania through the following customs posts that operate at border crossing points: Vilnius airport post, Medininkai road post and Vaidotai railway post of Vilnius territorial customs office, Kaunas airport post of Kaunas territorial customs office, Vitė seaport post, Smeltė seaport post and Malkų inlet seaport post of Klaipėsa territorial customs office, Šeštokai railway post of Alytus territorial customs office, Kalvarijos road post and Kybartai railway post of Marijampolė territorial customs office, Saločiai road post of Panevėžys territorial customs office, and Panemunė road post of Tauragė territorial customs office. Customs inspections of radioactive substances and radioactive waste shall be carried out in customs posts in accordance with the procedures established by the laws and regulations of the Republic of Lithuania.

24. A legal person or an undertaking without legal personality who intends to carry out shipments of radioactive substances or radioactive waste must hold a license to engage in activities related to shipment of radioactive substances issued by the Radiation Protection Centre of the Ministry of Health and take out civil liability insurance providing for a complete coverage against damages. Authorisation shall not relieve the consignor, shipper, consignee or any other legal person or undertaking without legal personality taking part in the shipment of legal liability.

25. The Ministry of the Environment shall submit quarterly reports on granted authorisations to the Radiation Protection Centre of the Ministry of Health, the State Atomic Energy Safety Inspectorate (on nuclear materials and sources containing nuclear materials) and, where appropriate, to other institutions of public administration and self-government.

26. Where shipment of radioactive substances or radioactive waste is carried out under bilateral or multilateral agreements, the Ministry of the Environment shall notify regulatory authorities of the countries concerned of such shipment.

27. If legal persons or undertakings possessing no legal personality violate the requirements prescribed by this Procedure or the Regulations for the Safe Transport of Radioactive Material, they shall be held liable pursuant to the procedure provided for by the law. Persons that are liable for radioactive contamination of the environment shall compensate damages pursuant to the procedure provided for by the law.

28. Legal persons or undertakings possessing no legal personality engaged in the import into, export out of, transit or shipment within the country of radioactive substances, including radioactive waste, must comply with the requirements prescribed by laws and regulations on radiation protection.