

Responsibilities of the Exporting State derived from the application of the Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export

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Abstract

“The exporting state in deciding whether to authorize an export of radioactive sources should satisfy itself, insofar as practicable,

- That the recipient is authorized by the importing State to receive and possess the source in accordance with its laws and regulations.
- that the importing State has the appropriate technical and administrative capability, resources and regulatory structure needed for the management of the source(s) in a manner consistent with the guidance in the Code, and

Consider, based upon available information i) whether the recipient has been engaged in clandestine or illegal procurement of radioactive sources, ii) whether an import or export authorization for radioactive sources has been denied to the recipient or importing State, or whether the recipient or importing State has made diverted for purposes inconsistent with the Code any import or export of radioactive sources previously authorized, and iii) the risk of diversion or malicious acts involving radioactive sources.”

It also should take, once it has decided to authorize the export, “appropriate steps to ensure that the export is conducted in a manner consistent with existing relevant international standards relating to the transport of radioactive materials and the importing State is notified in advance of each shipment.”

The Guidance has done a great effort in fixing the requirements that the importing State has to fulfill and it is the exporting State which has to verify, satisfy, and consider if these requirements are in place.

It is remarkable the responsibility of the exporting State in analyzing the export from the point of view of the capabilities of the importing State to manage the sources with the purpose of use it has and even once it is not useful any more.

This paper has the intention of bringing to reflect the responsibility of the exporting State in relation to those radioactive sources that are exported or are to be exported and have to fulfill with the relevant international standards relating to the transport of radioactive materials, from the point of view of the capabilities of the exporting manufacture to ship the radioactive sources in a safe way, based on Argentine experience on the respect.

It is intended to discuss the scope of responsibility of the exporting State in relation to this last theme.

KEYWORDS: Import/Export; Code of Conduct.