

TITLE: IMPROVEMENT OF CUBAN NUCLEAR LEGISLATION. A NEW STAGE OF NUCLEAR LAW IN CUBA.

AUTHOR: Ivonne María Alonso González¹.

“Abstract”:

Since several years Cuba has a solid legal framework and the infrastructure required to regulate and control the entire universe of practices, facilities and activities related to the use of energy in the country. However, the experience of more than 10 years of implementation of the current legal framework, as well as the evolution and development of international safety standards, added to the tendency to increase use of nuclear techniques in the country at the service of society mark the beginning of the road to a higher stage that provides for the updating and improvement of all current nuclear legislation, guaranteeing the peaceful and safe uses of nuclear energy in harmony with the sustainable development of the nation.

Currently, the Cuban State, a founding member of the IAEA, is a Party to all international legal instruments related to nuclear safety, nuclear security and responds to commitments related to disarmament and nuclear non-proliferation.

The objective of this paper is to present the experience of the Cuban Regulatory Authority in the process of drafting, reviewing and updating the legal framework related to the nuclear sphere, as well as the background, perspectives and challenges for the improvement of our nuclear legislation.

HISTORICAL EVOLUTION AND LEGAL BACKGROUND IN NUCLEAR MATTERS IN CUBA.

The regulation of the use of nuclear energy in Cuba dates back to the 40s, with the entry into force of Decree 4054 in 1947, which created the National Commission for the Application of Atomic Energy to Civil Uses, attached to the Institute National Hydrology and Climatology Department of the Ministry of Health and Welfare, whose main purpose was to promote nuclear energy in the national territory, promoting research in the field of health, also providing the possibility of scholarships and trips abroad to the specialists of the subject. This institution was dissolved in 1955 by Presidential Decree of Fulgencio Batista with the creation of the Nuclear Energy Commission of Cuba, attached to the Economy Council, lacking a real budget with objectives similar to the previous one, adding the possibility of installing reactors in the

¹ National Center for Nuclear Safety. Calle 28 Nro. 504 e/5ta y 7ma, Miramar, Playa, Havana, Cuba. C.P 11300
e. mail: azul@orasen.co.cu, azularroyito@yahoo.es

country and control and supervision of this activity, logically at this stage it was isolated standards that had specific aspects regarding the nuclear issue, which was then in the country, radiological protection issues were omitted and only political interests were present in these rules.

Nevertheless, nuclear sciences and technologies really began to be assimilated in our country after 1959. In 1974 the National Commission for the Peaceful Use of Atomic Energy, later known as the Cuban Atomic Energy Commission was created, under Decree No.52 of 24 October 1979. Its function was to direct, coordinate and monitor the national efforts of the agencies involved in this activity and to advise the Government on the policy to be adopted in this area. Under the aforementioned Decree, the Executive Secretariat for Nuclear Affairs (SEAN) was founded, with the aim of supporting the functions of said Commission, by applying the outlined policy.

Subsequently, a set of rules was issued, in correspondence with the development and prospects of the nuclear program conceived for the development of the country, which had its greatest exponent with the beginning in 1982 of the construction of the "Juraguá" ²Nuclear Power Plant, so that Decree-Law No. 56 "For the Regulation of the Pacific Use of Nuclear Energy" was issued that same year, taking into account that the construction process and the future operation of a nuclear installation in the country required the adoption of a set of measures, with due legal backing, against the radiological risks derived from nuclear applications, to ensure the protection of the health of occupationally exposed workers, the population, goods and the environment. Among the fundamental aspects established by this legal standard are:

- ✓ The definition of the activities subject to License (for the performance of any act of importation, acquisition, use, operation, processing, transportation, transfer, evacuation, storage or export of radioactive substances or other sources of ionizing radiation and nuclear materials) and the general conditions for its granting.
- ✓ Institutions and mechanisms for the regulation and control of activities related to the peaceful use of nuclear energy (System of Regulatory Measures)
- ✓ National System of Accounting and Control of Nuclear Materials.
- ✓ System of Physical Protection of Nuclear Materials, Radioactive Substances and other Sources of Ionizing Radiation.
- ✓ Nuclear Installations Safety System.
- ✓ National System of Radiological Protection.
- ✓ The administrative measures in case of infractions of the conditions of the Licenses.
- ✓ Suspension of the license for a term of up to 6 months.
- ✓ Revocation of the license.

The direction and control of nuclear activity in the country was assigned to the Atomic Energy Commission of Cuba (CEAC), subordinated to the Council of Ministers and assisted in its functions by the Executive Secretariat for Nuclear Affairs, (SEAN) to which the supervision and control of the four (4) Systems of Regulatory Measures was assigned. The Ministry of Public Health was in charge of regulating the Radiological Protection System in the X-

² Located in the province of Cienfuegos. The construction of this nuclear power plant, called "the work of the century" began in 1982 and in 1992 it was temporarily paralyzed due to economic problems. In 2002, it was decided to abandon this option considering other alternatives that imply less economic expenditures for the country.

ray facilities of its units and the necessary medical control of all occupationally exposed workers in the country.

After the entry into force of Decree Law No. 56, "For the Regulation of the Pacific Use of Nuclear Energy", the legal norms were enacted that allowed the implementation and development of the legal framework related to the nuclear sphere in the country, between those that stand out:

- ✓ CEAC-MINSAP Joint Resolution, "Regulation for the medical surveillance of occupationally exposed workers".
- ✓ Decree No. 137 "Regulation for the safety during transportation of radioactive substances",
- ✓ Decree No. 134 "Regulation for work with radioactive substances and other sources of ionizing radiation".
- ✓ Decree-Law Nro.98 "On State Supervision of the Safety of Nuclear Installations".

In particular, Decree Law No. 98 generated a significant change in the country's state inspection system, by creating a State System for the Supervision of Nuclear Installations, composed of several areas of state supervision, which included the participation of the organs and bodies with the following competences:

- SEAN, in terms of nuclear safety and radiation protection;
- the State Committee for Labor and Social Security, in matters of technical security;
- the Ministry of Construction, regarding civil construction;
- the Ministry of the Interior, in terms of physical protection and prevention and extinction of fires, and
- the Ministry of Public Health, in terms of hygienic-sanitary inspection.

For each sphere of state supervision, the appointment was made, by the Council of Ministers, of a Principal State Inspector (IEP), as the highest authority in the sphere of its competence, in charge of directing the group of state inspectors appointed by each of them. the organisms. Among the attributions of the IEP, the following are established:

- ✓ suspend or withdraw the specific authorizations and permits granted, when it considers that the security measures and requirements are not being met;
- ✓ establish the order and volume of inspection work on systems, equipment and elements under state supervision;
- ✓ grant the permits for the assembly, operation, repair and maintenance of the systems, equipment and elements of the nuclear facilities under state supervision, and when appropriate, delegate this attribution to the state inspectors in the sphere of their competence.

During this stage that covers the decades from 70 to 90, the basic bases were created to support and create the technical and legal infrastructure required in the country with an ambitious nuclear perspective; the institutional framework was defined, technical matters related to transport and work with radioactive substances and the radiological monitoring of occupationally exposed workers were set, and the National Nuclear Safety Center³ was founded. The difference with the previous stage is evident, it is no longer a question of isolated legal norms,

³ Created by the Executive Secretariat for Nuclear Affairs through Resolution No. 27, dated November 30, 1990.

but of a coherent and better structured set of legal provisions along with the development planned in this area.

In 1992, the construction of Juraguá NPP was halted due to the economic difficulties the country faced. In 1994, through Decree Law No. 147, the Organisms of the Central State Administration were reorganized, which led to the creation of the Ministry of Science, Technology and Environment. The institutions in charge of the nuclear sphere in the country, the Executive Secretariat for Nuclear Affairs and the Atomic Energy Commission of Cuba, joined the aforementioned body. Other situations coexisted in this stage that had a great impact on the nuclear development planned for the country. The disintegration of the socialist camp was a fact of great significance in this sense, in Cuba this activity was born with the support and assistance of Soviet colleagues, the normative, methodological and legal documents were mostly based on analogous documents of the extinct Soviet Union.

Consequently, the CNSN, focused on improving its regulatory activity, including the legislative and regulatory framework and on keeping its technical capacity. There was a wealth of experience acquired in the nuclear sphere and the legal framework needed to be adapted with new conditions, new technical concepts and expert recommendations based on international standards, so that in the mid-1990s there was an improvement program that included the renewal of the legal framework regarding the use of nuclear energy, which has resulted in current legislation.

CONCEPTION, BASIS AND CURRENT STATUS OF CUBAN NUCLEAR LEGISLATION.

The renewal of the legal framework had among its objectives to establish in a single hierarchical legal standard all the general aspects related to the nuclear sphere, which offered the possibility of issuing complementary regulations through lower legal provisions, such as Ministerial Resolutions of the Ministry of Science, Technology and Environment (CITMA), considering that the national adaptation of international safety standards requires the establishment of technical and procedural requirements, which are reviewed and updated periodically. The normative scientific basis of reference adopted is the Fundamentals, Requirements and Safety Guides of the International Atomic Energy Agency (IAEA).

Under this new conception of the legal framework, Decree-Law No. 207 "On the Use of Nuclear Energy", dated February 14, was issued in 2000, which constitutes the fundamental legislation in this area. This Decree Law derogated most of the legal norms related to the nuclear issue, preserving the essence of the principles and objectives declared by the State in the preceding legislation: protect life, health, property and the environment from possible effects harmful to the use of nuclear energy; and guarantee compliance with the international commitments assumed by the country in the field of nuclear energy. In this regard, the following aspects are established:

- Objectives, Scope and Principles
- Institutional Framework
- Authorizations
- Inspections
- Radioactive Minerals
- Accounting and Control of nuclear materials
- Radioactive waste management

The scope of application of this Decree Law includes all possible subjects and defines the set of activities related to the use of nuclear energy, even considering the nuclear

facilities, since upon the entry into force of this legal norm, not yet the definitive cessation of the construction of the Juraguá CEN had been declared. In this sense, the Decree Law provides the entire universe of activities susceptible to control, among which the following are included:

- ✓ design, manufacture, import, export, distribution, sale, reception, possession, use, exploitation, maintenance, repair, transfer, dismantling, transportation, storage and evacuation of ionizing radiation sources, as well as any activity where these intervene;
- ✓ site selection, design, construction, commissioning, operation and decommissioning or decommissioning of nuclear and radioactive facilities;
- ✓ the management of radioactive waste.

Under the general principle statement that govern the use of nuclear energy in Cuba, a group of basic concepts adopted internationally in the nuclear sphere are declared, developed as requirements in the articles of the Decree Law and complementary legislation and that mostly they constitute the basics of the national legal framework. Among these principles that govern the use of energy in Cuba are:

- the peaceful use of nuclear energy, for the benefit of the country's economic and social development;
- the establishment of the necessary security measures to guarantee the protection of life, health, property and the environment;
- the authorization requirement for the execution of activities related to the use of nuclear energy;
- compliance with the basic principles of radiation protection during the use of nuclear energy;
- the requirement of specific requirements for personnel carrying out activities in which exposure to ionizing radiation is expected.
- the necessary information to the population about the possibilities, benefits, risks and safety measures, during the use of nuclear energy.

The Institutional Framework, defined in Chapter II, provides the governing functions of the Ministry of Science, Technology and Environment (CITMA), as the Organization in charge of:

- ✓ Direct, execute and control the State and Government Policy in relation to the use of nuclear energy.
- ✓ Regulate and control the use of nuclear energy and nuclear safeguards through the National Center for Nuclear Safety (CNSN).
- ✓ Promote the use of nuclear energy through its Nuclear Energy Agency.
- ✓ Supervise the regulation and control activities carried out by the Ministry of Public Health (MINSAP).

CITMA as the governing body is responsible for both the functions of promoting the use of nuclear energy, as well as its regulation and control, so that in order to avoid the conflict of interests that this would generate, and following good practices and international recommendations (Nuclear Safety Convention and Joint Convention) directly provided the entities through which these functions are exercised, so that decisions on matters of safety (CNSN) are free of interference from entities engaged in the development or promotion of energy nuclear

(Nuclear Energy Agency), which is prescribed in article 5, which highlights the functional independence of both CITMA institutions.

The supervision of CITMA to MINSAP is associated with the function given to this Organization in Article 7, consisting of regulating the use of X-rays for medical and stomatological diagnosis purposes, in coordination with CITMA. Although for historical reasons it was decided to maintain the regulation of this specific practice (medical and stomatological diagnostic X-rays) by MINSAP, it does not grant full competence and emphasizes the leading role of CITMA, expressly marked with the establishment of the coordination of this function of the MINSAP and the supervision of CITMA, and that obeys the need for uniform regulation and control of all activities related to the use of energy in the country.

Chapters III and IV of this Decree Law 207 provide the general aspects related to authorizations for the use of nuclear energy and personnel authorizations, respectively. Chapter III, under the principle enunciated in article 3, regarding the prerequisite for authorization to carry out activities related to the use of nuclear energy, groups the obligations and responsibilities of the applicants and holders of the authorizations, among them the one that defines the holder of the authorization as the subject responsible for ensuring the safety of activities related to the use of nuclear energy, so that their execution does not entail undue risks to life, health, property and the environment, which sustains The fundamental obligations of the holders of authorization, set forth in the following articles, among which are:

- ✓ comply with the requirements established in the legal, technical or procedural provisions in force regarding nuclear and radiological safety and the accounting and control of nuclear materials;
- ✓ comply with the conditions imposed in the authorizations, as well as the instructions issued as a result of the regulatory inspections;
- ✓ guarantee the safe and quality execution of the work;
- ✓ guarantee that the personnel linked to the execution of activities related to the use of nuclear energy meet the qualification requirements established for each job, guaranteeing the training and continuous training of the personnel.
- ✓ facilitate access to all the information and documentation required for the execution of the functions of regulation and control of the safety of the use of nuclear energy;
- ✓ establish the security and physical protection and fire protection systems in correspondence with the legal requirements established for that purpose; and
- ✓ inform to the CNSN of the occurrence of any event that could influence safety during the execution of activities related to the use of nuclear energy; and
- ✓ to elaborate, organize and prepare radiological emergency plans to be developed within the limits of their installation, or during transportation and ensure the practical verification of their effectiveness.

The Third and Final Section of Chapter II, called "Suspension and Revocation," establishes the general precepts regarding these administrative sanctions. In this sense, there is a common ground for the suspension and revocation of authorizations (if the holder incurs conduct that affects compliance with the established security requirements), although a generic term is used that covers a wide range of behaviors, the practical implementation requires adequate clarifications, which is saved with the express reference to the rules of procedure dictated by the CITMA. Concludes the article with important provisions that demonstrate the legal effect of both sanctions: the obligation to immediately stop and in conditions of security the works covered by the authorizations. Notwithstanding the common effect of both sanctions, the precepts of Article 20 refer to distinctive elements of both, given by the period of execution and its effects

over time, which in the case of suspension is temporary, (it is possible to re-establish the validity of the suspended authorization, if the owner shows that the violations that led to the suspension have been corrected) and in the event of revocation is final (to resume work, the owner must again meet all the formalities and requirements required for the purpose of the request a new authorization).

Chapter IV, dedicated to personnel authorizations, establishes the requirement of authorization for personnel who perform tasks that have a direct impact on safety during the execution of activities related to the use of nuclear energy, in the sense of endorsing psychophysical aptitude, level of education, experience and practical knowledge and adequate and required skills for compliance with quality of responsibilities and functions inherent to their job. It also refers to the complementary regulations issued by CITMA. The personnel authorization process did not have a precedent in our national legislation, even today it is considered a reference for many Latin American countries.

Chapter V, "Inspections", provides all the basic aspects inherent to this control mode, such as: authorized authorities, inspection objectives, obligations of the subject inspected, accreditation of state inspectors by CITMA and obligations of the inspectors. These precepts regulate the essential elements that govern all the systems of state inspection in our country, specifying the particularities related to the nuclear sphere. As a distinctive aspect, the provisions of Article 29, referring to the power of state inspectors in this field to process, order or execute one or more measures, are highlighted in case of detecting violations that entail or may lead to a dangerous situation or imminent risk to life, health, property and the environment. For these purposes, the following measures are established:

- ✓ suspend or stop the execution of certain operations and activities;
- ✓ ensure, retain or confiscate sources of ionizing radiation; and
- ✓ temporarily or partially close local, nuclear and radioactive facilities.

The imposition of all the aforementioned measures requires a clear perception of the radiological risk offered by each detected situation, taking into account the diversity of activities that are carried out and the radioactive substances that are used, added to the properties of ionizing radiation, these complexities support the requirements required of state inspectors through an accreditation process. Finally, it is pointed out that these measures are imposed independently of others that affect the authorization such as suspension and revocation, which are dictated by the highest authority of the CNSN.

Chapter VI, "On Radioactive Minerals," provides for coordination between the former Ministry of Basic Industry, now the Ministry of Energy and Mines, and CITMA to regulate and control mining activity, in relation to radioactive minerals, as well as the use of rational of these, complemented the precepts established in Law No.76, "Mining Law", of December 20, 1994, considering that Article 2 refers to specific legislation regarding the regulation of radioactive minerals.

For its part, Chapter VII "On accounting and control of nuclear materials", (Articles 35 to 37) provides the general precepts related to the National System of Accounting and Control of Nuclear Materials (SNCCMN), in response to international commitments assumed by the Cuban State regarding nuclear safeguards. It should be noted that Cuba created this system since the beginning of the Cuban nuclear-energy program, under Decree Law No. 56, issued in 1982, and subsequently, in 1996 through Decree No. 208 "On the National System of Accounting and Control of Nuclear Materials ", established the precepts required for its update.

Decree Law No. 207, based on the previous complementary rule, ratifies the power of the CITMA to establish, direct and control the SNCCMN, as well as the objectives of the System and the responsibility of the holders of authorizations for the establishment and operation of the System in its facilities in accordance with the provisions established for that purpose. These precepts develop the principle of peaceful use of nuclear energy, enunciated in Article 3 of the Decree Law itself.

Chapter VIII "On the management of radioactive waste and spent fuel", has as reference the fundamental provisions of the international legal instrument on the subject, the Joint Convention on Safety in the Management of Spent Fuel and on Safety in Waste Management. Radioactive. Even without being a State Party, a set of essential aspects is established to achieve and maintain a high level of technological security in the management of radioactive waste and spent fuel, so that during all stages of the management of radioactive waste and spent fuel there are effective defenses against possible risks, so that each person, society and the environment are protected from the harmful effects of ionizing radiation. In this regard, Article 38 establishes the definition of radioactive waste management specifying the content and scope of this term, which includes the set of administrative and operational activities related to handling, pretreatment, treatment, conditioning, transportation, storage and disposal of radioactive waste.

As an aspect of interest in this Chapter, the implementation of the Principle of sustainable development for the management of radioactive waste and spent fuel is indicated, under the wording of Article 39, which establishes that such activities shall be carried out in such a way that:

- ✓ the protection of human health and the environment is guaranteed;
- ✓ that the expected impacts for future generations are no greater than currently acceptable;
- ✓ that undue burdens are not imposed on future generations; Y
- ✓ that the possible effects on human health and the environment beyond national borders are not greater than those acceptable in the country.

To ensure compliance with these budgets, it is also necessary to establish a set of technical and administrative requirements, which by their specialty, degree of detail and objectives correspond to regulatory standards, in this sense Article 40 refers to the complementary provisions, which does not exempt in any way of compliance with environmental legislation.

Other aspects such as responsibility for the management of radioactive waste and spent fuel, and the provision of financial resources to cover the costs of this management, reach their definition in Articles 41 and 42, as it corresponds to the holder of the authorization manage radioactive waste and spent fuel generated as a result of its activity, as well as foresee, from the beginning, the necessary financial resources to cover the costs corresponding to this management. The final destination of radioactive waste requires a national forecast in order to identify, among other aspects, the appropriate management options, as well as the necessary human and financial resources. At the international level, several technological options for the final disposal of radioactive waste are identified. In Cuba, as in the case of many other countries, the option for the final disposal of such waste has not yet been defined, as the country has an authorized facility for the treatment, conditioning and temporary storage of the radioactive waste that results enough for the volume of radioactive waste generated.

Article 44, end of the Chapter, provides the foundations for the provision of financial resources for the disposal of radioactive waste, in this sense establishes that the holders of authorizations will make economic contributions to a fund destined for this purpose, also providing that the form The constitution, administration and control of these funds will be determined by the Council of State.

The Decree Law ends with two special provisions and three final provisions, among which the express derogation of six legal norms, that is, practically all the previous legislation relating to the nuclear sphere.

Consequently, there is a set of complementary legal norms, dictated mostly by CITMA or jointly with other competent bodies such as MINSAP, which specifically regulate the activities, behaviors and processes associated with the safe and peaceful use of nuclear energy in our country, in line with good practices and international recommendations. Among these complementary legislation, a set of regulations are highlighted regarding the following topics:

- Safe transport of radioactive materials. (*CITMA Resolution No. 121/2000, "Regulation for the Safe Transport of Radioactive Material," of December 14, 2000*).
- Accounting and control of nuclear materials. (*CITMA Resolution No. 62/96, "Regulation for Accounting and Control of Nuclear materials", dated July 12, 1996*).
- Basic Safety Standards. (*CITMA-MINSAP Joint Resolution Regulation, "Basic Safety Standards", of November 30, 2001*).
- Management of radioactive waste. (*CITMA Resolution No. 35/2003, "Regulation for the safe management of radioactive waste", of March 7, 2003*).
- Selection, training and authorization of personnel who perform practices associated with the use of ionizing radiation. (*CITMA-MINSAP Joint Resolution, "Regulations for the Selection, Training and Authorization of the Staff Performing Practices Associated with the Use of Ionizing Radiation" of 19 December 2003*).
- Recognition of the competence of services for radiological safety. (*CITMA Resolution No. 6/2004 "Regulation for recognition of the competence of services for radiological safety", of January 13, 2004*).
- Inspection. (*CITMA Resolution No. 103/2008, "Regulation of the State Inspection of Environmental Regulatory Activity", of 10 June 2008*).
- Notification and authorization of practices and activities associated with the use of sources of ionizing radiation. (*CITMA Resolution No. 334/2011, "Regulation on Notification and Authorization of practices and activities associated with the Use of Ionizing Radiation Sources", of December 29, 2011*).

In addition to the Regulations, other legal provisions have been issued that establish regulatory positions in the country, supported in all cases by safety principles and technical criteria, and whose common objective is to protect life, property and the environment, avoiding unnecessary radiological risks , such as:

- CITMA - MINCEX⁴ Joint Resolution of April 29, 2002, which mandates the radiological control during the export, import or use of scrap metal in the national territory; and

⁴ Ministry of Foreign Trade.

- Resolution No. 58/2003 of the CITMA of April 15, 2003, which prohibited the importation, acquisition and assembly of new radioactive lightning rods in the country and established a term of 10 years (until 2013) for the disassembly and replacement of these lightning rods by conventional lightning rods. This decision was based on the fact that the use of radioactive lightning rods is not justified, since there is the possibility of using lightning rods that on the basis of non-radioactive principles achieve the same results, while the international trend since then points towards the prohibition and elimination of this practice as unjustified.

In addition, the National Center for Nuclear Safety, an authority that on behalf of CITMA executes the regulation and control of the use of nuclear energy and nuclear safeguards in the country, has issued several Resolutions (Guidelines and other provisions related to radiological safety) that complement the requirements established in the regulations relating to practices and activities such as: Nuclear Medicine, Radiotherapy, Radiological Emergencies, Industrial Radiography, Safety Evaluation, Services for Radiological Safety and Radiological Control of Scrap Metal, among others.

During this stage that covers the 90s until the beginning of the 2000s, characterized by the elaboration and approval of a big number of legal provisions, the legal framework related to the nuclear sphere in Cuba, currently in force, was developed and established. However, the development of practices and activities associated with the use of ionizing radiation, the introduction of new technologies in the country, as well as the experience of implementing the legal and regulatory framework related to the nuclear field and the new documents approved by the International Atomic Energy Agency (IAEA), have demanded the systematic evaluation of the legal universe in this area.

PERSPECTIVES AND CHALLENGES FOR THE IMPROVEMENT OF CUBAN NUCLEAR LEGISLATION.

Since 2006, the National Center for Nuclear Safety (CNSN) has adopted the Regulatory Policy for the establishment of the legal and regulatory framework for the use of nuclear energy in Cuba and, consequently, since then, has established the Strategy of the Regulatory Authority in the field of drafting, modification, approval, review and implementation of legal and regulatory documents, (the Strategy) framed in periods of three years.

During 2015, the CNSN prepared the projection for the next cycle and revised the Strategy, which resulted in the approval, in 2016, of a new strategic document for the drafting, modification, approval, review and implementation of legal and regulatory documents, taking as reference the current nuclear legislation in the country, as well as the analysis of the national and international context in this field. This new projection of the Strategy extended its scope, so that it covers the International Legal Instruments related to the nuclear sphere and the Technical Standards related to radiological protection, considering that they also constitute an important reference for the Regulatory Authority with impact on the legal framework.

The Strategy includes a Program for its implementation, which considers the general actions identified in each strategic cycle, which allows the annual planning of specific tasks for the preparation, revision and modification of regulatory documents, as well as for the adoption of derivative commitments of International Legal Instruments and Technical Standards. For these purposes, according to the implementation program, the corresponding annual plans are

prepared. Among the actions included in the Strategy are those related to the implementation of current legal regulations, such as seminars, notification, and free distribution to their recipients, as well as the systematic evaluation of the implementation status, which allows identifying the aspects that they need to be modified or clarified.

Under this new strategic framework, the documents that make up the nuclear legislation must be reviewed periodically, taking into account the national experience in the exercise of regulatory functions, the evolution and development of international security standards, as well as the development and improvement of the use of nuclear techniques. Consequently, the frequency of review is established according to the legal hierarchy of the document, while every 10 years the documents dictated by the State and Government agencies are reviewed and every 5 years those dictated by the Regulatory Authority.

The implementation of the Strategy has led to the identification of the revision and modification of Cuban nuclear legislation, and has made it possible to detect deficiencies and prepare projects to modify, derogate or approve new legal norms, taking into account:

- the experience of more than 10 years of implementation of the legal framework,
- the evolution and development of international safety standards,
- the tendency towards a national increase in the use of nuclear techniques at the service of society in our country.
- that Cuba is State Party to all international legal instruments related to nuclear security, nuclear security and responds to commitments related to disarmament and nuclear non-proliferation.

Currently working on the drafting of the proposed amendments to the following legal norms: Decree Law No. 207/2000 "On the Use of Nuclear Energy", Regulation Basic Safety Standards and Regulation for the safe transport of radioactive materials. The Draft Decree on Nuclear Safeguards (derogates Decree and Regulation for Accounting and Control of Nuclear materials) is in the circulation phase with a view to its approval by the Council of Ministers.

The Regulation for the Selection, Training and Authorization of the Personnel that carries out Practices Associated with the Use of Ionizing Radiation is in the revision phase (JR. CITMA-MINSAP, Dec. 19, 2003).

In the coming years, the following are expected to be revised: Regulation for the recognition of the competence of services for radiological safety ", of January 13, 2004, CITMA - MINCEX Joint Resolution, of April 29, 2002, which mandates the radiological control during the export, import or use of scrap metal in the national territory and the Inspection regulation, of 2008.

The results of this sustained work of the Cuban Regulatory Authority, and the follow-up of the actions that require the approval by the corresponding instances of the legal norms that make up the Cuban nuclear legislation in the process of improvement and updating mark the beginning towards a new stage of the Cuban Nuclear Law, in order to guarantee the peaceful and safe uses of nuclear applications in harmony with the sustainable development of our nation.