Radioactive materials: system for registration of carriers

2011/0225(NLE) - 30/08/2011 - Initial legislative proposal

PURPOSE: to establish a Community system for registration of carriers of radioactive materials.

PROPOSED ACT: Council Regulation.

BACKGROUND: Article 33 of the Treaty requires Member States to lay down the appropriate provisions to ensure compliance with the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation. The basic safety standards are established by Council Directive 96/29/Euratom. That Directive applies to all practices which involve a risk of ionizing radiation emanating from an artificial or a natural radiation source, including transport.

As transport is the only "mobile" practice, and given the often cross-border nature of transport operations, a carrier may have to follow these reporting and authorization procedures in several Member States. In addition, Member States have implemented these procedures in differing systems, thereby adding to the complexity of transport operations as such.

According to the Commission, replacing these national reporting and authorization procedures by a unique registration system for the practice of transport will therefore contribute to simplify the procedure, reduce administrative burden, do away with barriers to entry, while the high radiation protection levels reached will be maintained.

IMPACT ASSESSMENT: the proposed mechanism, according to the impact assessment carried out in the preparation, strikes a careful balance between effective protection of workers and the public during transport operations, the legitimate interests of the stakeholders involved and the interests of Member States. Above all, the preferred option is the minimum necessary to effectively achieve the objectives set while keeping the costs within reasonable limits.

LEGAL BASIS: Article 31 and Article 32 of the Treaty establishing the European Atomic Energy Community.

CONTENT: the proposed Regulation **replaces the reporting and authorization systems in the Member States by a single registration**. It establishes a European System for Carrier Registration. Carriers should apply through a central web interface. These applications will be screened by the respective national competent authority which issues the registration if the applicant fulfils the basic safety standards. At the same time, the system allows the competent authorities a **better overview of the carriers** that are active in their country. The system must be available, tested and functional when this Regulation enters into force.

The Regulation adopts a **graded approach**:

- by excluding from the registration procedure carriers who transport exclusively "**excepted packages** ". These shall mean any package in which the allowed radioactive content does not exceed the activity levels laid down in Table V of Section IV of Regulations for the Safe Transport of Radioactive Material No. TS-R-1 or one tenth of these limits for the transport by post and which are labelled as UN No. 2908, 2909, 2910 or 2911;

- by leaving it up to the Member States to add **additional registration requirements** for carriers of fissile and highly- radioactive materials.

Other Community law and international rules regarding physical protection, safeguards, and third-party liability continue to apply. This is true, in particular, for Directive 2008/68/EC.

BUDGETARY IMPLICATIONS: this proposal has no implication for the Union budget.