

Radioactive materials: system for registration of carriers

2011/0225(NLE) - 11/12/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 521 votes to 148 with 28 abstentions, a legislative resolution on the proposal for a Council regulation establishing a Community system for registration of carriers of radioactive materials. The Parliament's position in first reading following the ordinary legislative procedure amended the commission's proposal as follows:

Legal basis: Parliament wanted the Regulation to be based on **Article 91** of the Treaty on the Functioning of the European Union, so that Parliament would not be deprived of its **powers of codecision** particularly since the proposal concerns important environmental and health issues.

Objective and scope: the Regulation establishes a Community system for the authorisation and registration of carriers of radioactive materials based on [Directive 2008/68/EC](#) and Directive 96/29 /Euratom. The Regulation shall apply to **any carrier transporting radioactive materials by road, rail and inland waterway**. It shall apply without prejudice to national provisions dealing with the protection of transport of radioactive materials against theft, sabotage or other malicious acts.

Registration certificate: individual transport operations shall be accompanied by a copy of the carrier's registration certificate.

General requirements: national reporting and authorisation requirements that are additional to the requirements laid down by this Regulation may **apply, but are not limited**, to the carriers of the following materials: (i) fissile material; (ii) high consequence dangerous goods - radioactive material.

Any transport of radioactive materials shall comply with the international rules and standards set by UNECE on dangerous and polluting goods, as well as: (i) the corresponding European Agreement on the International Carriage of Dangerous Goods by Road (ADR), (ii) the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), and (iii) the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), as defined in Directive 2008 /68/EC.

Financial capacity: when applying for registration, the applicant shall submit evidence of its financial capacity to provide compensation for any damage in the event of an accident for which its convoy is responsible, in accordance with the 'polluter pays' principle. Parliament also specified that the carriage of radioactive material on a convoy transporting explosives should be prohibited.

Registration procedure: a carrier shall apply for registration **through the ESCReg to the competent authority**. Online guidelines with contact data and information on how to reach the contact point or the competent authority shall be available at all times in order to assist the applicant.

In the event of rejection an error message shall be sent to the applicant giving the reasons for which the application was rejected.

A copy of the certificate of carrier registration as well as a copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to the competent authorities of all Member States.

The competent authority shall **retain all historical data** for all applicants in order to ensure their traceability, to facilitate better monitoring and to prevent any falsification.

Electronic System for Carrier Registration (ESCReg): the ESCReg shall be secured, robust and fully operational before the entry into force of the Regulation. In addition, **an information exchange mechanism** between the competent authorities and the ESCReg shall be set up in order to facilitate at least cross border transport. The ESCReg shall provide the **public with access** to the list of registered carriers.

The competent authorities of the Member States shall be responsible for the content of information submitted through the ESCReg, which shall be accurate, timely and transparent.

Application of common criteria: in order to ensure equal treatment for all applicants, the competent authorities shall ensure that the criteria for delivering the registration certificate are **identical and consistent with IAEA definitions** and that the registration process is harmonised. These common criteria shall consist of a set of safety standards based on the Modal Regulations for the Transport of Dangerous Goods (ADR, RID and ADN), Directive 96/29/Euratom and Directive 2008/68/EC with which carriers of radioactive materials must comply with in order to obtain a registration certificate;

Compliance: the enforcement measures shall be immediately notified to the Member State that issued the certificate, where the carrier does not comply with the requirements of the Regulation.

Within a maximum of four weeks, the notified Member State shall **modify, renew or revoke the registration**. The decision shall be issued through ESCReg to the competent authorities of all Member States.

Depending on the safety significance of the non-compliance and the record of compliance of the carrier, the Member State where the non-compliance was discovered may **suspend the carrier's registration**.

The suspension shall be immediately notified to the Member State that issued the certificate, and it may modify, renew or revoke the registration.

All cases of non-compliance shall be reported to the Commission and to the ESCReg.

Review: the Commission shall review the Regulation two years after its entry into force in order to assess its effectiveness and propose, if necessary, further measures to ensure safe carriage of radioactive materials within the Community and from third countries.