Shipments of radioactive waste and spent fuel

2005/0272(CNS) - 20/11/2006 - Final act

PURPOSE: to supervise and control shipments of radioactive waste and spent fuel.

LEGISLATIVE ACT: Council Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel.

CONTENT: the purpose of this act is to guarantee an adequate level of protection to the population from the shipment of radioactive waste and spent fuel. A guaranteed level of protection is to be achieved by laying down a Community system of supervision and control for the trans-boundary shipment of radioactive waste and spent fuel.

The Directive sets out and lists a number of strict criteria, definitions and procedures which need to be applied when transporting radioactive waste and spent fuel. The provisions set out in the Directive can be summarised as follows:

Preliminary provisions:

- The Directive applies to the country of origin; the country of destination and any Member State through which waste is transited. The Directive will not apply to: shipments of disused sources; a supplier or manufacturer of radioactive sources; a recognised installation; to shipments of radioactive materials recovered, through reprocessing, for further use; and it will not apply to trans-boundary shipments of waste that contain only naturally occurring radioactive material.

- Member States will retain the right: to return radioactive waste after treatment to its country of origin; to export spent fuel for reprocessing (albeit that those shipments and exports must be supervised and controlled in accordance with obligations set out in this Directive); to safely return shipments of radioactive waste and spent fuel, which have not duly been authorised in accordance with this Directive, to the country of origin; and to return radioactive contaminated waste or material containing a radioactive source.

Intra-Community shipments:

- A holder who plans to carry out an intra-Community shipment needs to submit a duly completed application for authorisation to the competent authorities of the Member State of origin, which will then be forwarded to the Member State of destination.

- Within two months the Member State concerned must notify either their consent or their refusal of a shipment. In the case of no answer being given within the specified timeframe then consent is assumed.

- Any subsequent authorisations given will be valid for three years.

Extra-Community shipments:

- In cases where radioactive waste or spent fuel enters the Community from a third country an application for authorisation must be submitted to the Member State of destination. The application must include evidence that the consignee has made an arrangement with the third country that they will take the consignment back in case it can not be completed in accordance

with this Directive. The same provisions on the consent and refusal and acknowledgement of receipt outlined above apply to the import of radioactive waste from third countries.

- Similar procedures for authorisation, consent, transit and refusal apply to any Member State wishing to export radioactive waste or spent fuel to a third country – outside of the European Union.

- Strict conditions on prohibited exports are set out. They include the prohibited export of: radioactive waste or spent fuel to a destination south of latitude 60° south; to a State which is party to the Partnership Agreement between the members of the ACP-EC Agreement; and to any third country which does not have the administrative capacity and regulatory structure to manage radioactive waste or spent fuel safely.

General provisions:

- A standard document to be used for all shipments falling within the scope of this Directive will be prepared by the Commission. This will include an Annex setting out the minimum requirements of a duly completed application form.

- Member States are expected to forward the names and addresses of the competent authorities dealing with this Directive to the Commission by 25 December 2008. By 25 December 2011, and every three years thereafter, the Member States will forward reports to the Commission on the Directive's application.

TRANSPOSITION: 25 December 2008.

REPEAL: Directive 92/3/Euratom will be repealed as from 25 December 2008. Until the new standardised document is available the standardised document established by Directive 92/3/Euratom will be used.

ENTRY INTO FORCE: 25 December 2006.