Basic information

2005/0272(CNS) CNS - Consultation procedure Directive	Procedure completed
Shipments of radioactive waste and spent fuel **Subject** 3.60.04 Nuclear energy, industry and safety 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	SEPPÄNEN Esko (GUE/NGL)	26/01/2006

Committee for opinion	Rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	21/02/2006

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2763	2006-11-20

European Commission

Commission DG	Commissioner
Energy and Transport	PIEBALGS Andris

Key events

Date	Event	Reference	Summary
21/12/2005	Legislative proposal published	COM(2005)0673	Summary
02/02/2006	Committee referral announced in Parliament		
04/05/2006	Vote in committee		Summary
10/05/2006	Committee report tabled for plenary, 1st reading/single reading	A6-0174/2006	
04/07/2006	Debate in Parliament		

05/07/2006	Decision by Parliament	T6-0300/2006	Summary
05/07/2006	Results of vote in Parliament		
20/11/2006	Act adopted by Council after consultation of Parliament		
20/11/2006	End of procedure in Parliament		
05/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0272(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Euratom Treaty A 031-p2 Euratom Treaty A 032
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/6/32899

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE370.176	02/03/2006	
Amendments tabled in committee		PE371.903	30/03/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0174/2006	10/05/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0300/2006	05/07/2006	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0673	21/12/2005	Summary
Commission response to text adopted in plenary	SP(2006)3801	28/08/2006	
Follow-up document	COM(2013)0240	25/04/2013	Summary
Follow-up document	SWD(2013)0150	25/04/2013	
Follow-up document	COM(2018)0006	19/01/2018	Summary
Follow-up document	SWD(2018)0004	19/01/2018	

Follow-up document	COM(2019)0633	17/12/2019	Summary
Follow-up document	SWD(2019)0437	17/12/2019	Summary
Follow-up document	COM(2023)0077	16/02/2023	
Follow-up document	SWD(2023)0043	16/02/2023	
Follow-up document	COM(2026)0513	29/09/2026	
Follow-up document	SWD(2026)0287	29/09/2026	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2006/0117
OJ L 337 05.12.2006, p. 0021-0032 Summary

Shipments of radioactive waste and spent fuel

2005/0272(CNS) - 25/04/2013 - Follow-up document

This is the first report from the Commission on the implementation of Council Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuels.

The so-called Shipments Directive required that the Member States had to bring into force before 25 December 2008 the laws, regulations and administrative provisions necessary to comply with the Directive. Although most Member States met this deadline, a few Member States did not transpose the Directive in time and the Commission opened infringement proceedings against them. Since the end of 2010, the transposition of Council Directive 2006/117/Euratom is completed and it can be considered as being implemented in all EU Member States.

The report's main conclusions are as follows:

Successful transposition: the Shipments Directive has been successfully transposed in all EU Member States. The general provisions under the Directive have been implemented through the adoption and publication of the relevant Commission Decision and Recommendations and the creation of the Advisory Committee.

Full implementation: having assessed the information provided by the Member States in their first reporting exercise, the Commission notes that the Directive is now being fully implemented so as to guarantee an adequate protection of the population. The Commission considers that the Directive provides a well-structured and operational framework for the supervision and control of shipments in all Member States, ensuring that transboundary shipments of radioactive waste and spent nuclear fuel take place only with the prior informed consent of the competent authorities of all the Member States involved.

No major implementation problems: the implementation of the Shipments Directive has not given rise to any major problems. The issue of NORM (naturally occurring radioactive material) waste and clearance levels in the context of the shipment of radioactive waste has been identified and will be further followed-up by the advisory committee established under the Directive. As regards the shipments of radioactive wastes and spent fuel, the

Commission notes that the existing national provisions, notably those implementing the Directive laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation, allow the national competent authorities to monitor the movements of these shipments on their territory.

Authorisations: this report provides a first summary overview of authorisations given in the Community under the Shipment Directive. The number of authorisations of shipments is relatively small and there is a clear picture on exports outside the EU. Although the Commission's export criteria are only published as a Recommendation with no legally binding character, **the alignment of Member States' practices with all the criteria will remain an issu**e that will also be further addressed in close cooperation with the advisory committee.

Safe management: in implementing the **Framework Directive 2011/70 on the management of spent fuel and radioactive waste**, Member States are requested to take concrete decisions for the safe management of their radioactive waste and spent fuel. According to the Commission, this will also certainly have an impact on the shipments within, into and out of the EU. Future reporting will then provide information on the evolution of shipments of radioactive waste and spent fuel.

Lastly, no accidents leading to a release of radioactive substances to the environment and involving national or transboundary movements of radioactive waste or spent fuel were reported for the three years covered by this report.

Shipments of radioactive waste and spent fuel

2005/0272(CNS) - 05/07/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Esko **SEPPÄNEN** (GUE/NGL, FI) and made some amendments to the Commission's proposal. (For a summary of the principal amendments, please see the document dated 04/05/2006).

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.

Shipments of radioactive waste and spent fuel

2005/0272(CNS) - 21/12/2005 - Legislative proposal

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

PROPOSED ACT : Council Directive.

CONTEXT : the revision process of Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community was initiated in 2001 in the context of the fifth phase of the SLIM initiative (Simpler Legislation for Internal Market; SLIM V), with a view to making Directive 92/3 Euratom more user-friendly and transparent.

CONTENT : this proposal aims to amend Council Directive 92/3/Euratom in order to clarify and add concepts and definitions, to address situations that had been omitted in the past, to simplify the existing procedure for the shipment of radioactive waste between Member States and to guarantee consistency with other Community and international provisions, and in particular with the joint Convention for the safe management of spent fuel and radioactive waste, to which the Community acceded on 2 January 2006.

Modifications to the provisions of Directive 92/3 are justified by four different reasons:

- Consistency with latest Euratom Directives : Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation, and Council Directive 2003/122/Euratom of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources, in particular the wording of the provisions on reshipment of radioactive sealed sources;
- Consistency with international Conventions , in particular in view of the ongoing accession of the European Atomic Energy Community (Euratom) to the IAEA Joint Convention on the Safety of Spent fuel Management and on the Safety of Radioactive Waste Management;
- Clarifying the procedure in practice and improving the Directive structure;
- Extension of the scope to spent fuel. Under Directive 92/3, spent fuel for which no use is foreseen is considered as "radioactive waste" and shipments of such materials are subject to the uniform control procedure laid down in the Directive. Shipments of spent fuel for reprocessing are on the contrary not subject to such a procedure. This leads to the inconsistency that the same material is or is not subject to this procedure depending on its intended use.

Shipments of radioactive waste and spent fuel

2005/0272(CNS) - 17/12/2019 - Follow-up document

This Commission staff working document accompanies the Commission's third report on the implementation by the Member States of Council Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel.

The document is based on the latest national reports from Member States to the Commission on the implementation of the Directive due by December 2017.

It provides:

- various stakeholders with information on current radioactive waste and spent fuel shipments, and their supervision and control for the purpose of adequate protection of the population;

- an overview and specific information on authorisations for import, export and transit issued by Member States and summarises the feedback from the Member States in implementing the Directive.

Shipment findings 2015-2017

For the current reporting period, 19 Member States out of 28 reported on authorised shipments on their territory. The following nine Member States did not report any authorised shipment on their territory: Croatia, Cyprus, Estonia, Greece, Ireland, Latvia, Luxembourg, Malta and Portugal. Among them, six Member States did not report any authorised shipments of radioactive waste on their territory since the beginning of reporting obligations under the present Directive (2009): Croatia, Cyprus, Estonia, Greece, Malta and Portugal.

Overall, 146 authorisations for different types of shipments (intra- and extra-Community shipments) have been reported by EU Member States for the period 2015-2017.

In comparison with the two previous reporting periods under the present Directive, this is the lowest number of authorisations since the beginning of the reporting obligations in 2009. For all 146 reported authorisations in 2015-2017, 203 consents have been issued by the receiving or transit Member States. Around 86% of the authorisations relate to shipments of radioactive waste (including other materials), 14% to the shipment of spent fuel.

Inconsistencies in the reporting

The overall reporting quality has significantly improved over the three reporting periods. However, the following observations were made:

- a new version of the reporting template was presented and discussed. Several modifications were introduced in this template in order to achieve full alignment with the terminology used in the standard document. The main content from previous version of the reporting template was kept;

- it was also deemed necessary to enhance harmonisation and comparability of the information provided by all Member States in order to reduce room for interpretation and potential misunderstanding;

- different approaches and interpretations to fill the reporting template has been acknowledged by the Commission, with some Member States having difficulties to report the correct technical data;

- the revised reporting template also includes more detailed instructions on how to report on authorisations per multiple shipments and explanatory notes clearly defining the different relevance between authorisations and shipments, for reporting purposes;

- the adoption of a common criterion for reporting on consents given for transits is recommended.

Shipments of radioactive waste and spent fuel

2005/0272(CNS) - 17/12/2019 - Follow-up document

The Commission presented its third report on the implementation by Member States of Council Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent nuclear fuel.

This report is based on the national reports covering the period 2015-2017. Compared to the period covered by the previous report, the majority of Member States submitted their national reports in time for 25 December 2017. One month after the deadline, four countries had still not submitted their reports; however, they submitted them within six months of the deadline.

The report provides an overview of (i) shipments of radioactive waste and spent fuel in the European Union, (ii) recent trends and challenges with regard to import, export and transit of radioactive waste and spent fuel, (iii) reported refusals and failed shipments as well as proposed actions.

Supervision and control of shipments of radioactive waste and nuclear fuel

Council Directive 2006/117/Euratom establishes a Community system for the supervision and control of transboundary shipments of radioactive waste and spent fuel, so as to guarantee an adequate protection of the population. It ensures that Member States concerned are informed about shipments of radioactive waste and spent fuel to or via their territory with the obligation to give either their consent or reasoned refusal to the shipments.

For all shipments (including imports, exports and transits between Member States and from/to outside the Community) within the scope of the Directive, the Directive requires the use of a standard document.

The report concluded that the implementation of the Directive ensures that all transboundary movements of radioactive waste and spent fuel within the Community take place only with the prior informed consent of the competent authorities of all involved Member States (including transit countries), through the use of the standard document. The information related to all authorised shipments within a defined reporting period (three years) is regularly transmitted by all Member States to the Commission. Supervision and control of shipments of radioactive waste and spent nuclear fuel is thus guaranteed, throughout the Community.

Overall, the Commission considered that the current EU legal package, which includes Directive 2006/117/Euratom, Directive 2011/70/Euratom and Directive 2013/59/Euratom, ensures high safety standards with regard to the risks of ionising radiation in the EU in the context of transboundary shipments.

Observations, trends and statistics

In general, and in comparison with previous reporting periods, a lower number of authorisations were reported in the current reporting period, in particular for spent nuclear fuel.

The 146 authorisations declared by 14 Member States during the period 2015-2017 correspond to 1834 actual shipments (total number of shipments). Some authorisations cover several shipments (12-13 on average) and may exceed the period of time covered by this report. 86% of the authorisations concern shipments of radioactive waste and the remaining 14% of the authorisations concern spent fuel.

The report also noted the following:

- 120 authorisations (82% of the total 146) concern intra-Community shipments;

- 26 authorisations (18% of all authorisations) are extra-Community authorisations. 17 were related to exports to third countries (12% of all authorisations) and 8 (about 5% of all authorisations) were related to imports from third countries;

- as regards imports of radioactive waste from third countries in the period 2015-2017, 5 authorisations representing 14 shipments of radioactive waste were issued by 3 Member States;

- as regards exports of radioactive waste from the Community to third countries, six Member States issued a total of 13 authorisations representing 35 shipments;

- only one transit origination from a third country was authorised during the period 2005-2017.

No non-execution of transfers has been declared by Member States for the period concerned. Two refusals of consent have been reported, together with their corresponding justification. One retransfer was reported, due to the unsuitability of certain radioactive waste at a treatment site.

No shipment failures were reported by Member States under the current reporting period. Two refusals to grant consent were reported together with their underlying justification. One reshipment was reported, due to the unsuitability of some radioactive waste for a processing site.

Improving the quality of reports

The report noted that the overall reporting quality has improved significantly over the period covered by the three reports. Nevertheless, the Commission has identified some residual inconsistencies in the reports, which have been corrected following ad hoc requests from the Commission services.

In addition, the Commission detected some inconsistencies when cross-checking Member States' reports, due mainly to inaccuracy of the provided information. Thanks to the assessment carried out by the Commission, Member States' awareness of reporting all shipments has been improved. In addition, the Commission observed that consent/transit Member States have not always been informed when shipments had been withdrawn.

The Commission has worked closely with the EU Member States to improve the reporting template. It is the objective of the Commission to have a common agreement with all Member States about the required information to be provided to facilitate the supervision and control of shipments of radioactive waste and spent fuel for the upcoming reporting period (2018-2020).

Shipments of radioactive waste and spent fuel

2005/0272(CNS) - 19/01/2018 - Follow-up document

This is the **second report** from the Commission on the implementation of Council Directive 2006/117/EURATOM. It is based on all Member States notifications and follows up the first report of the Commission for the period 2008-2011, issued in 2013.

The reporting is intended to provide an overview of shipments of spent fuel and radioactive waste in the Community; of the recent trends and challenges on import, export and transit of spent fuel and radioactive waste, reported refusals and failed shipments, as well as proposed actions.

Import, export and transit of radioactive waste and spent fuel through Member State(s) are regular practices in the EU.

To date, **16 Member States** have nuclear power reactors on their territories, of which operating nuclear reactors are located in 14 Member States. In addition, 20 Member States have operated or still operate research reactors within the EU. Some of the Member States ship spent fuel for reprocessing in the EU or to third countries.

Comprehensive legal basis: the report concluded that the current EU legal framework consisting of the Directive 2006/117/EURATOM, the new Directive 2013/59/EURATOM and Directive 2011/70/EURATOM provides a comprehensive legal basis to ensure protection of the health of workers and the general public against the risks arising from ionizing radiations, including during shipments of spent fuel and radioactive waste.

The majority of the Member States national reports for this period were submitted with delays and show variation in the level of detail of the information and different approaches to reporting shipments of spent fuel and radioactive waste

Observations and trends: Member States reported shipments within the national frameworks for the supervision and control of shipments of spent fuel and radioactive waste. These frameworks require that transboundary movements of radioactive waste and spent fuel take place only with the **prior informed consent** of the competent authorities of all involved Member States, and the standard document for import to, export from and transit through the Community is used.

For the 2012-2014 period, **20 Member States have reported authorised shipments within the scope of the Directive**. Member States reported 400 issued approvals, which include 192 authorisations of Member State of origin and 208 consents to shipments of spent fuel and radioactive waste. Five out of the 20 reporting Member States account for 74 % of all 192 reported authorisations for the period 2012-2014. The Commission notes that the overall number of authorisations has **increased (15%)** compared to the previous reporting period (2008-2011), where 14 Member States delivered 161 authorisations within the scope of the Directive.

Most of the spent fuel and radioactive waste shipments took place **between Member States** and only around 17% of all transboundary movements were for imports into and exports out of the Community.

Under the current reporting period, **no shipment failures** involving transboundary movements of radioactive waste or spent fuel were reported by Member States. Two refusals were reported due to radioactive material not declared as radioactive waste and insufficient information but this was resolved by the corresponding Member States. **All the cases of refusal were solved** by the concerned Member States.

Outlook: the Commission will take the findings presented in this report into due consideration and will initiate reflections or take the necessary measures to:

- **improve the standard document for the supervision and control of shipments of radioactive waste and spent fuel**: some Member States provided suggestions for further improvement of the standard document. For example, it was suggested to clarify the explanatory notes and to add a specific section to the standard document allowing for cross-reference to a previous authorisation/consent whenever the application for shipment is linked to the repatriation of residues arising from that previous shipment;
- **provide support to Member States to harmonise the reporting of shipments of spent fuel and radioactive waste of Member States**, thus enhancing ultimately also the level of consistency and detail of future reporting by the Commission.

Moreover, the Commission will take appropriate measures on the basis of the findings of the **on-going study on the review of the current situation regarding transport of radioactive material** in EU Member States. The study includes the shipments of waste containing naturally occurring radionuclides and application of clearance levels, with the aim to identify specific actions required for improvement of transport at EU and national level, enhance transparency and increase public confidence.