

INTERNATIONAL REGULATORY ACTIVITIES

European Union

Council Directive on the Supervision and Control of Shipments of Radioactive Waste and Spent Fuel (2006)

Council Directive 2006/117/Euratom of 20 November 2006 aims to reinforce the Community system of supervision and control of transboundary shipments of radioactive waste and spent fuel, so as to guarantee an adequate protection of the population.

As stipulated in Article 23, Directive 2006/117/Euratom repeals, with effect from 25 December 2008, 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 (see *Nuclear Law Bulletin* No. 49).

It appeared necessary to community authorities to amend the system in place, in the light of experience, 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 on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, to which the Community acceded on 2 January 2006.

Directive 2006/117 now applies, not just to shipments of radioactive waste, but also to shipments of spent fuel, whether they are destined for final disposal or for reprocessing. Article 1 provides that this directive shall apply to transboundary shipments of radioactive waste or spent fuel whenever:

- the country of origin/destination/transit is a Member State of the Community; and
- the quantities and concentration of the consignment exceed the levels laid down in Article 3(2) points (a) and (b) of Directive 96/29/Euratom.

It shall not apply however to shipments of disused sources to a supplier or manufacturer of radioactive sources or to a recognised installation; to shipments of radioactive materials, recovered, through reprocessing, for further use; or to waste that only contains naturally occurring radioactive material.

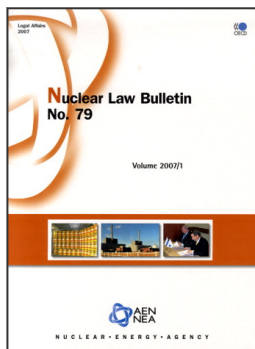
The directive sets out the various formalities which must be undertaken by the “holder” of radioactive waste or spent fuel who is defined as any natural or legal person who is responsible under the applicable national law for such materials and plans to carry out a shipment to a consignee.

With regard to intra-community shipments, one of the developments with regard to the 92/3 Directive is that where all formalities are accomplished, the silence of the destination or transit state shall be assimilated to consent after a certain period of time. In order to avoid countries systematically refusing all passages, refusals must be reasoned and must be based on the relevant national, community or international legislation applicable to the transport of radioactive material, or the national legislation on the management of radioactive waste or spent fuel.

Furthermore, Member States which gave consent to transit for any given shipment may not refuse to give consent to reshipment when such materials were shipped for treatment or reprocessing purposes and all relevant legislation has been respected, or in the case of shipment failure.

As regards extra-community shipments, an administrative shipment procedure is established, and certain limitations are laid down. A standard document is to be used for all shipments within the scope of this directive.

Member States are required to bring into force the necessary laws, regulations and administrative provisions to comply with this directive before 25 December 2008.



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