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STATUTORY INSTRUMENTS

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**2008 No. 3087**

**The Transfrontier Shipment of Radioactive  
Waste and Spent Fuel Regulations 2008**

**PART 2**

**Shipments of radioactive waste or spent fuel**

**Transfrontier shipment of radioactive waste or spent fuel**

- 4.—(1) It is an offence to ship radioactive waste or spent fuel—
- (a) to a destination outside the United Kingdom, or
  - (b) into the United Kingdom from a third country (except by way of transit),

except in accordance with an authorisation granted by the competent authority under these Regulations.

(2) It is an offence to ship radioactive waste or spent fuel into the United Kingdom from another member State except under the authority of an authorisation granted by the competent authority of the member State of origin and in accordance with that authorisation.

**Transit**

5.—(1) It is an offence to ship radioactive waste or spent fuel into the United Kingdom from a third country by way of transit to another member State except in accordance with an authorisation granted by the member State of destination.

(2) It is an offence to ship radioactive waste or spent fuel into the United Kingdom from a third country for transit to another third country except in accordance with an authorisation granted —

- (a) by the competent authority (if the United Kingdom is the first point of entry into the European Community); and
- (b) otherwise, by the competent authority of the member State in which the radioactive waste or spent fuel first entered the European Community.

**Authorisations**

6.—(1) An authorisation granted under these Regulations may be in respect of more than one shipment, provided that—

- (a) the radioactive waste or spent fuel to which it relates essentially has the same physical, chemical and radioactive characteristics;
- (b) the shipments are to be made from the same holder to the same consignee and involve the same competent authorities; and
- (c) where shipments involve transit through third countries, such transit is by the same frontier post of entry to and exit from the European Community and by the same frontier post of

the third country or countries concerned, unless otherwise agreed between the competent authorities of all countries concerned.

- (2) An authorisation may not be for a period of more than three years.

### **Prohibited exports**

7. A competent authority may not authorise shipments—

- (a) to a destination south of latitude 60° south;
- (b) to an African, Caribbean or Pacific state that is party to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States and the European Community and its Member States, (Cotonou ACP-EC Agreement)(1), unless the shipment is a return of radioactive waste to its country of origin following treatment or reprocessing in the United Kingdom; or
- (c) to a third country that does not have the administrative and technical capacity and regulatory structure to manage the radioactive waste or spent fuel safely, as stated in the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management(2); and in coming to an opinion on this issue, the competent authority must take into account all relevant information from other member States.

### **Notification of arrival in the United Kingdom**

8.—(1) Any person who receives a consignment of radioactive waste or spent fuel from outside the United Kingdom must notify the competent authority within fifteen days.

- (2) Failure to comply with this regulation is an offence.

### **Notification of arrival in a third country**

9.—(1) Any person holding an authorisation who has consigned radioactive waste or spent fuel from the United Kingdom to a third country must notify the competent authority in the United Kingdom, within fifteen days of its arrival, of—

- (a) the date of arrival, and
- (b) the last customs post in the European Community through which the shipment passed.

(2) In the case of transit between third countries, and where the authorisation was granted under these Regulations, the person holding the authorisation must notify the competent authority of the information in paragraph (1).

(3) The person holding the authorisation must take all reasonable steps to obtain and include in the notification a declaration or certification by the consignee stating that the radioactive waste or spent fuel has reached its proper destination and indicating the customs post of entry into the country of destination.

- (4) Failure to comply with this regulation is an offence.

### **Documentation**

10.—(1) Any person shipping radioactive waste or spent fuel must ensure that it is accompanied at all times with the standard document set out in Commission Decision 2008/312/Euratom (establishing the standard document for the supervision and control of shipments of radioactive waste

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(1) Signed on 23 June 2000 and available at <http://www.acpsec.org/en/conventions/cotonou/accord1.htm>.

(2) Available at <http://www.iaea.org/Publications/Documents/Infocircs/1997/infocirc546.pdf>.

and spent fuel referred to in Council Directive 2006/117/Euratom(3)) certifying that the authorisation procedure has been complied with and issued when the authorisation is granted.

(2) Failure to comply with this regulation is an offence.

### **Procedure**

**11.**—(1) All applications for an authorisation must be in English using the standard document set out in Commission Decision 2008/312/Euratom.

(2) It is an offence to make a false or misleading statement in an application.

(3) All documents accompanying an application or a notification of an application from another member State must be in English or accompanied by an authenticated English translation.

(4) Schedule 1 (procedures) has effect.

### **Issue of authorisations and consents for shipments of radioactive waste**

**12.**—(1) A competent authority may only authorise or consent to a shipment of radioactive waste if this regulation is complied with.

(2) An applicant must make a written assessment of all practicable options for management of the radioactive waste.

(3) In the case of low-level waste, the proposed shipment must be for—

- (a) the recovery of re-usable materials;
- (b) treatment to make its subsequent storage and disposal more manageable;
- (c) sending samples for investigative analysis; or
- (d) the return to the country of origin of radioactive waste resulting from the processing of radioactive waste or spent fuel in another country (or an equivalent amount of other radioactive waste by way of substitute).

(4) In the case of intermediate-level or high-level waste, the proposed shipment must be for—

- (a) the recovery of re-usable materials, where this is the genuine prime purpose;
- (b) treatment to make its subsequent storage and disposal more manageable, in cases—
  - (i) where the processes are at a developmental stage; or
  - (ii) which involve quantities that are too small for the process to be practicable in the country of origin;
- (c) sending samples for investigative analysis; or
- (d) the return to the country of origin of radioactive waste resulting from the processing of radioactive waste or spent fuel in another country (or an equivalent amount of other radioactive waste by way of substitute).

(5) If the processes at paragraphs (3) and (4) would add materially to the radioactive waste needing to be disposed of in the country of destination, the applicant must demonstrate that the waste will be returned to the country of origin, to a timescale agreed by the competent authorities in the United Kingdom and in the country of origin or destination.

(6) Notwithstanding paragraphs (3), (4) and (5), radioactive waste may be imported for treatment and disposal in the United Kingdom—

- (a) if it is in the form of spent sealed sources that were manufactured in the United Kingdom;
- or

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(3) OJ No L 107, 17.4.2008, p. 32.

- (b) if it arises from small users, such as hospitals, situated in—
  - (i) member States that produce such small quantities of radioactive waste that the provision of their own specialised installations would be impractical, or
  - (ii) developing countries that cannot reasonably be expected to acquire suitable disposal facilities.

(7) Notwithstanding paragraphs (2) to (6), radioactive waste arising from the reprocessing of spent nuclear fuel may be returned to its country of origin.

(8) In this regulation—

“low-level waste” means radioactive waste having a radioactive content not exceeding four gigabecquerels per tonne (GBq/te) of alpha activity or twelve GBq/te of beta or gamma activity;

“intermediate level waste” means radioactive waste with radioactivity levels exceeding the upper boundaries for low-level waste, but which does not require heating to be taken into account in the design of storage or disposal facilities; and

“high level waste” means radioactive waste in which the temperature may rise significantly as a result of its radioactivity, so that this factor has to be taken into account in designing storage or disposal facilities.

## **Appeals**

**13.**—(1) An applicant whose application for an authorisation or consent is refused, or granted subject to conditions, may appeal in writing within two months of the decision, giving full reasons, to—

- (a) in England, the Secretary of State;
- (b) in Scotland, the Scottish Ministers;
- (c) in Wales, the Welsh Ministers;
- (d) in Northern Ireland, the Department of the Environment.

(2) The appellant body may confirm the original decision or direct the competent authority to grant an authorisation, with or without conditions, or to vary the conditions of an authorisation.