

Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel

CHAPTER 1

PRELIMINARY PROVISIONS

Article 1

Subject matter and scope

- 1 This Directive lays down a 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.
- 2 This Directive shall apply to transboundary shipments of radioactive waste or spent fuel whenever:
 - a the country of origin or the country of destination or any country of transit is a Member State of the Community; and
 - b 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.
- 3 This Directive shall not apply to shipments of disused sources to a supplier or manufacturer of radioactive sources or to a recognised installation.
- 4 This Directive shall not apply to shipments of radioactive materials recovered, through reprocessing, for further use.
- 5 This Directive shall not apply to transboundary shipments of waste that contains only naturally occurring radioactive material which does not arise from practices.
- 6 This Directive is without prejudice to rights and obligations under international law.

Article 2

Reshipments related to processing and reprocessing operations

This Directive shall not affect the right of a Member State or an undertaking in the Member State to which:

- (a) radioactive waste is to be shipped for processing; or
- (b) other material is to be shipped with the purpose to recover the radioactive waste,

to return the radioactive waste after treatment to its country of origin. Nor shall it affect the right of a Member State or an undertaking in that Member State to which spent fuel is to be shipped for reprocessing to return to its country of origin radioactive waste recovered from the reprocessing operation.

Article 3

Transboundary shipments of spent fuel for reprocessing

Without prejudice to the competence of each Member State to define its own spent fuel cycle policy, this Directive shall not affect the right of a Member State to export spent fuel for reprocessing, taking into account the principles of the nuclear common market, in particular the free movement of goods. Those shipments and exports shall be supervised and controlled in accordance with the procedures laid down in this Directive.

Article 4

Reshipment related to non-authorised shipments and undeclared radioactive waste

This Directive shall not affect the right of a Member State to safely return to its country of origin:

- (a) shipments of radioactive waste and spent fuel which fall under the scope of this Directive but which were not duly authorised in accordance with this directive; and
- (b) radioactively contaminated waste or material containing a radioactive source where this material has not been declared as radioactive waste by the country of origin.

Article 5

Definitions

For the purposes of this Directive the following definitions shall apply:

1. 'radioactive waste' means radioactive material in gaseous, liquid or solid form for which no further use is foreseen by the countries of origin and destination, or by a natural or legal person whose decision is accepted by these countries, and which is controlled as radioactive waste by a regulatory body under the legislative and regulatory framework of the countries of origin and destination;
2. 'spent fuel' means nuclear fuel that has been irradiated in and permanently removed from a reactor core; spent fuel may either be considered as usable resource that can be reprocessed or be destined for final disposal with no further use foreseen and treated as radioactive waste;
3. 'reprocessing' means a process or operation, the purpose of which is to extract radioactive isotopes from spent fuel for further use;
4. 'shipment' means the whole of operations involved in moving radioactive waste or spent fuel from the country or the Member State of origin to the country or the Member State of destination;
5. 'intra-community shipment' means a shipment carried out where the country of origin and the country of destination are Member States;
6. 'extra-community shipment' means a shipment carried out where the country of origin and/or the country of destination are third countries;

7. 'disposal' means the emplacement of radioactive waste or spent fuel in an authorised facility without the intention of retrieval;
8. 'storage' means the holding of radioactive waste or spent fuel in a facility that provides for its containment, with the intention of retrieval;
9. 'holder' means any natural or legal person who, before carrying out a shipment of radioactive waste or spent fuel is responsible under the applicable national law for such materials and plans to carry out a shipment to a consignee;
10. 'consignee' means any natural or legal person to whom radioactive waste or spent fuel is shipped;
11. 'country or Member State of origin' and 'country or Member State of destination' respectively means any country or Member State from which a shipment is planned to be initiated or is initiated, and any country or Member State to which a shipment is planned or takes place;
12. 'country or Member State of transit' means any country or Member State other than the country or the Member State of origin or the country or the Member State of destination, through the territory of which a shipment is planned or takes place;
13. 'competent authorities' means any authority which, under the law or regulations of the countries of origin, transit or destination, are empowered to implement the system of supervision and control of shipments of radioactive waste or spent fuel;
14. 'sealed source' has the meaning given to it by Directive 96/29/Euratom and includes the capsule, where applicable, enclosing the radioactive material as an integral part of the source;
15. 'disused source' means a sealed source which is no longer used or intended to be used for the practice for which authorisation was granted;
16. 'recognised installation' means a facility located in the territory of a country authorised by the competent authorities of that country in accordance with national law for the long-term storage or disposal of sealed sources or an installation duly authorised under national law for the interim storage of sealed sources;
17. 'duly completed application' means the standard document that complies with all the requirements, as established in accordance with Article 17.