

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“EUWA”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(c) of the EUWA) arising from the withdrawal of the United Kingdom from the European Union. The Regulations extend to the whole of the United Kingdom.

These Regulations revoke the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 (the “2008 Regulations”). The 2008 Regulations implemented Council Directive 96/29/Euratom laying down basic standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation and Council Directive 2006/117/Euratom (the “2006 Directive”) on the supervision and control of shipments of radioactive waste and spent fuel. In particular, the 2008 Regulations laid down the process and procedures for authorising the import, export and transit of shipments of radioactive waste and spent fuel into and out of the European Union. In that regard, they drew a distinction between Member States of the European Union and third countries and provided that an authorisation granted at the first point of entry into the European Union was valid throughout all Member States. They also laid down a prohibition on the granting of authorisations for the shipment of radioactive waste unless the purpose of the shipment was for the processing of the waste or its return to the country of origin.

These Regulations largely replicate the key provisions and penalties contained in the 2008 Regulations in the United Kingdom but, in light of the United Kingdom’s withdrawal from the European Union, they abolish the distinction between Member States and third countries. That means that all countries outside the United Kingdom will be treated as third countries and there is no longer any provision for the mutual recognition of authorisations. These Regulations also largely replicate the key procedural provisions contained in the 2006 Directive in order to provide the maximum continuity for operators in this sector. The standard forms referred to in regulation 9 will be prescribed by the Secretary of State outside of this instrument and hosted on the Gov.UK website as well as the websites of the competent authorities.

An impact assessment has not been provided for this instrument as no, or no significant impact on the private or voluntary sectors is foreseen.

An Explanatory Memorandum has been prepared and is available alongside this instrument at www.legislation.gov.uk.