

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

CHAPTER 2

INTRA-COMMUNITY SHIPMENTS

Article 6

Application for shipment authorisation

- 1 A holder who plans to carry out an intra-Community shipment of radioactive waste or spent fuel or to arrange for such a shipment to be carried out shall submit a duly completed application for authorisation to the competent authorities of the Member State of origin.
- 2 The application may be sent in respect of more than one shipment, provided that:
 - a the radioactive waste or the spent fuel to which it relates essentially has the same physical, chemical and radioactive characteristics; and
 - 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 via the same frontier post of entry to and/or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

Article 7

Transmission of the application to the competent authorities

- 1 The competent authorities of the Member State of origin shall send the duly completed application referred to in Article 6 for consent to the competent authorities of the Member State of destination and of the Member States of transit, if any.
- 2 The competent authorities of the Member States involved shall take the necessary measures to ensure that all information regarding shipments covered by this Directive is handled with due care and protected against any misuse.

Article 8

Acknowledgement of receipt and request for information

- 1 Within 20 days following the receipt of the application, the competent authorities of the Member State of destination and transit shall verify that the application is duly completed, within the meaning of Article 5(17).
- 2 In case the application is duly completed, the competent authorities of the Member State of destination shall send an acknowledgement of receipt to the competent authorities of the Member State of origin and copy it to the other competent authorities concerned, not later than 10 days after expiry of the 20 days period set out in paragraph 1.

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3 If any of the competent authorities of the Member States concerned consider that the application is not duly completed, they shall request the missing information from the competent authorities of the Member State of origin and inform the other competent authorities of such request. This request shall be made not later than the expiry of the period set out in paragraph 1.

The competent authorities of the Member State of origin shall transmit the requested information to the competent authorities concerned.

Not later than 10 days after the date of receipt of the missing information and not earlier than after expiry of the 20 days period set out in paragraph 1, the competent authorities of the Member State of destination shall send an acknowledgement of receipt to the competent authorities of the Member State of origin and copy it to the other competent authorities concerned.

4 The time periods set out in paragraphs 1, 2 and 3 for issuing the acknowledgement of receipt may be shortened if the competent authorities of destination and transit are satisfied that the application is duly completed.

Article 9

Consent and refusal

1 Not later than two months from the date of acknowledgement of receipt the competent authorities of all Member States concerned shall notify the competent authorities of the Member State of origin of their consent, or of the conditions which they consider necessary for giving their consent, or of their refusal to grant consent.

However, the competent authorities of the Member State of destination or of any Member State of transit may request a further period of not more than one month in addition to the period referred to in the first subparagraph to make their position known.

2 If upon expiry of the periods set out in paragraph 1, no reply has been received from the competent authorities of the Member State of destination and/or the intended Member State of transit, those countries shall be deemed to have given their consent for the shipment requested.

3 Reasons shall be given by Member States for any refusal to grant consent, or for conditions attached to their consent, which shall be based:

- a for Member States of transit, on the relevant national, Community or international legislation applicable to the transport of radioactive material;
- b for the Member State of destination, on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material.

Any conditions imposed by the competent authorities of the Member States, whether they are the country of transit or of destination, may not be more stringent than those laid down for similar shipments within those Member States.

4 The Member State or States which gave consent to transit for a given shipment may not refuse to give consent to reshipment in the following cases:

- a when the initial consent concerned material being shipped for treatment or reprocessing purposes, if the reshipment concerns radioactive waste or other products equivalent to the original material after treatment or reprocessing, and all relevant legislation is respected;

- b under the circumstances described in Article 12, if the reshipment is undertaken on the same conditions and with the same specifications.

5 Unjustified delays and/or lack of cooperation by the competent authorities of another Member State shall be reported to the Commission.

Article 10

Authorisation of shipments

1 If all the consents necessary for shipment have been given, the competent authorities of the Member State of origin shall be entitled to authorise the holder to carry out the shipment and shall inform the competent authorities of the Member State of destination and of any Member State or third country of transit accordingly.

2 The authorisation referred to in paragraph 1 shall not in any way affect the responsibility of the holder, the transporters, the owner, the consignee or any other natural or legal person involved in the shipment.

3 A single authorisation may cover more than one shipment, where the conditions set out in Article 6(2) are met.

4 Any authorisation shall be valid for a period of not more than three years.

When establishing this period of validity, Member States shall take into account any conditions set out in the consent given by the Member States of destination or of transit.

Article 11

Acknowledgement of receipt of the shipment

1 Within 15 days of receipt, the consignee shall send the competent authorities of the Member State of destination an acknowledgement of receipt of each shipment.

2 The competent authorities of the Member State of destination shall send copies of the acknowledgement of receipt to the Member State of origin and any Member State or third country of transit.

3 The competent authorities of the Member State of origin shall send a copy of the acknowledgement of receipt to the original holder.

Article 12

Shipment failure

1 The Member State of destination, origin or transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with this Directive, or are not in accordance with the authorisations or consents given pursuant to this Directive.

Such Member State shall forthwith inform the competent authorities of the other Member States involved in the shipment of this decision.

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2 Where a shipment cannot be completed or if the conditions for shipment are not complied with in accordance with this Directive, the competent authorities of the Member State of origin shall ensure that the radioactive waste or the spent fuel in question is taken back by the holder, unless an alternative safe arrangement can be made. These competent authorities shall ensure that the person responsible for the shipment takes corrective safety measures where necessary.

3 The holder shall be liable for costs arising in cases where the shipment cannot or may not be completed.