

*Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union  
(Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2019 No. 0000**

**EXITING THE EUROPEAN UNION  
ATOMIC ENERGY AND  
RADIOACTIVE SUBSTANCES**

**The Shipments of Radioactive  
Substances (EU Exit) Regulations 2019**

*Made* - - - - *\*\*\**

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018<sup>(1)</sup>.

In accordance with paragraph 1(3) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Shipments of Radioactive Substances (EU Exit) Regulations 2019 and come into force on exit day.

**Interpretation**

2. In these Regulations—

“activity” has the meaning given to it in Article 4(5) of the Council Directive 2013/59/Euratom<sup>(2)</sup> (the “Basic Safety Standards Directive 2013”);

“Chief Inspector” means the Chief Inspector for Northern Ireland appointed under section 4(7) of the Radioactive Substances Act 1993<sup>(3)</sup>;

“competent authority” means—

(a) in England, the Environment Agency;

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(1) 2018 c. 16.

(2) OJNo. L 13, 17.01.2014, p.1.

(3) 1993 c. 12.

- (b) in Scotland, the Scottish Environment Protection Agency;
- (c) in Wales, the Natural Resources Body for Wales;
- (d) in Northern Ireland, the Chief Inspector;
- (e) for sites licensed under the Nuclear Installations Act 1965(4), the Office for Nuclear Regulation;

“consignee” means any person to whom a shipment is or is to be made;

“holder” means any person who, immediately before a shipment is carried out, has the legal responsibility under the applicable national law for the sealed sources to be contained in the shipment;

“sealed source” has the meaning given to it in Article 4(90) of the Basic Safety Standards Directive 2013; and

“shipment” means the transport from the place of origin to the place of destination, including loading and unloading, of sealed sources.

### **Application**

3. These Regulations apply to shipments of sealed sources from Member States into the United Kingdom, whenever the quantities and concentrations exceed the levels laid down in Table B of Annex VII of the Basic Safety Standards Directive 2013.

### **Declarations by consignees**

4.—(1) When a holder of sealed sources in a Member State intends to carry out a shipment into the United Kingdom, or to arrange for such a shipment to be carried out, the consignee and the competent authority must, prior to the shipment taking place, ensure that the steps set out in paragraphs (2) to (5) are followed.

(2) The consignee must complete a prior written declaration on such standard form as may be prescribed by the Secretary of State to the effect that the consignee has complied in full with all relevant national requirements in the United Kingdom for the safe storage, use or disposal of those sources (a “declaration of compliance”).

(3) The consignee must send the completed declaration of compliance to the competent authority.

(4) Upon receipt of a declaration of compliance, the competent authority must send a written acknowledgement of receipt to the consignee.

(5) The declaration of compliance and acknowledgement of receipt must then be sent by the consignee to the holder before the shipment can take place.

(6) The declaration of compliance may refer to more than one shipment provided that—

- (a) the sealed sources to which it relates have essentially the same physical and chemical characteristics;
- (b) the sealed sources to which it relates do not exceed the levels of activity set out in the declaration of compliance; and
- (c) the shipments are to be made from the same holder to the same consignee and involve the same competent authority.

(7) The declaration of compliance is valid for a period of not more than three years from the date on which the competent authority sends the acknowledgement of receipt pursuant to paragraph (4).

## Revocation of Council Regulation (Euratom) 1493/93

5. The Council Regulation (Euratom) 1493/93 of 8 June 1993 on shipments of radioactive substances between Member States<sup>(5)</sup> is revoked.

Date

*Name*  
Parliamentary Under Secretary of State  
Department for Business, Energy and Industrial  
Strategy

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(5) OJ No. L 148, 19.06.1993, p.1.

## 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 Council Regulation (Euratom) 1493/93 as retained in UK law by section 3 of the EUWA. That Regulation made provision for an intra-community framework requiring holders of radioactive substances to obtain prior written declarations from consignees before shipping radioactive substances from one Member State to another. The prior written declarations confirmed a consignee’s compliance with national requirements relating to the safe storage, use or disposal of the radioactive substance to be shipped.

These Regulations provide for a similar regime in relation to the import of radioactive substances into the UK from EU Member States following the UK’s exit from the European Union.

Regulation 3 sets out the type, quantities and concentrations of radioactive substances for which the requirement to obtain a declaration of compliance applies.

Regulation 4 sets out the requirement for a consignee in the UK to provide a prior written declaration to the effect that the consignee has complied in full with all relevant national requirements in the UK for the safe storage, use or disposal of the radioactive substances to be shipped.

Regulation 5 provides for the revocation of Council Regulation (Euratom) 1493/93 insofar as it forms part of UK law.

An impact assessment has not been produced 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](http://www.legislation.gov.uk).