
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2019 (“the 2019 Regulations”) which were made in exercise of the powers conferred by section 8(1) of the European (Withdrawal) Act 2018 (c.16) (“the Withdrawal Act”) in order to address failures of retained EU law to operate effectively and other deficiencies. The 2019 Regulations revoke the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 (“the 2008 Regulations”). The 2019 Regulations largely replicate the key provisions and penalties of the 2008 Regulations but abolish the distinction between member States and third countries in the process for authorising shipments.

These Regulations are made in exercise of the powers conferred by section 41(1) of, and paragraph 12(b) of Schedule 4 to, the European Union (Withdrawal Agreement) Act 2020 in order to replace references in the 2019 Regulations to “exit day” with references to “IP completion day”, and in exercise of the powers conferred by section 8C(1) of, and by paragraph 21 of Schedule 7 to the Withdrawal Act in order to implement the Northern Ireland Protocol (“the Protocol”) to the EU withdrawal agreement.

In particular, the Regulations implement Annex 2 to the Protocol in so far as it requires Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel (“the Directive”) to continue to apply in Northern Ireland after the end of the implementation period (31 December 2020).

Regulations 3 to 16 make various amendments to the 2019 Regulations to ensure that the intra-Community process for authorisation of and consent to shipments of radioactive waste and spent fuel set out in the Directive applies to any shipments from a member State of the European Union to or through Northern Ireland. The intra-Community process is the process for authorising the import, export and transit of shipments of radioactive waste and spent fuel within the European Union set out in the Directive. It provides that an authorisation granted by a member State is valid throughout the European Union.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.