

# Procedure file

Basic information		
NLE - Non-legislative enactments Regulation	<a href="#">2011/0225(NLE)</a>	Procedure lapsed or withdrawn
Radioactive materials: system for registration of carriers		
Subject		
3.20.02 Rail transport: passengers and freight		
3.20.04 Inland waterway transport		
3.20.05 Road transport: passengers and freight		
3.60.04 Nuclear energy, industry and safety		
3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ITRE</b> Industry, Research and Energy		12/11/2012
		NI <a href="#">KOVÁCS Béla</a>	
		Shadow rapporteur	
		PPE <a href="#">MARINESCU Marian-Jean</a>	
		S&D <a href="#">RIERA MADURELL Teresa</a>	
		ALDE <a href="#">HALL Fiona</a>	
		Verts/ALE <a href="#">RIVASI Michèle</a>	
		ECR <a href="#">CHICHESTER Giles</a>	
		Committee for opinion	Rapporteur for opinion
	<b>ENVI</b> Environment, Public Health and Food Safety		13/11/2012
		PPE <a href="#">JORDAN Romana</a>	
	<b>TRAN</b> Transport and Tourism	The committee decided not to give an opinion.	
	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs		25/06/2013
		PPE <a href="#">VOSS Axel</a>	
Council of the European Union			
European Commission	Commission DG <a href="#">Energy</a>	Commissioner OETTINGER Günther	

Key events			
30/08/2011	Initial legislative proposal published	<a href="#">COM(2011)0518</a>	Summary
10/05/2012	Committee referral announced in Parliament		
28/09/2012	Legislative proposal published	<a href="#">COM(2012)0561</a>	Summary
18/09/2013	Vote in committee		

14/11/2013	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0385/2013</a>	Summary
11/12/2013	Results of vote in Parliament		
11/12/2013	Decision by Parliament	<a href="#">T7-0574/2013</a>	Summary
07/03/2015	Proposal withdrawn by Commission		

### Technical information

Procedure reference	2011/0225(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Regulation
Legal basis	Euratom Treaty A 032; Euratom Treaty A 031
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ITRE/7/06741

### Documentation gateway

Initial legislative proposal		<a href="#">COM(2011)0518</a>	30/08/2011	EC	Summary
Document attached to the procedure		<a href="#">SEC(2011)1005</a>	30/08/2011	EC	
Document attached to the procedure		<a href="#">SEC(2011)1006</a>	30/08/2011	EC	
Economic and Social Committee: opinion, report		<a href="#">CES0487/2012</a>	22/02/2012	ESC	
Legislative proposal		<a href="#">COM(2012)0561</a>	28/09/2012	EC	Summary
Committee draft report		<a href="#">PE510.688</a>	13/05/2013	EP	
Committee opinion	<b>ENVI</b>	<a href="#">PE506.022</a>	04/06/2013	EP	
Amendments tabled in committee		<a href="#">PE513.243</a>	11/06/2013	EP	
Specific opinion	<b>JURI</b>	<a href="#">PE516.596</a>	10/07/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0385/2013</a>	14/11/2013	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0574/2013</a>	11/12/2013	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2014)148</a>	13/02/2014	EC	

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

## Radioactive materials: system for registration of carriers

PURPOSE: to establish a Community system for registration of carriers of radioactive materials.

PROPOSED ACT: Council Regulation.

**BACKGROUND:** Article 33 of the Treaty requires Member States to lay down the appropriate provisions to ensure compliance with the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation. The basic safety standards are established by Council Directive 96/29/Euratom. That Directive applies to all practices which involve a risk of ionizing radiation emanating from an artificial or a natural radiation source, including transport.

As transport is the only "mobile" practice, and given the often cross-border nature of transport operations, a carrier may have to follow these reporting and authorization procedures in several Member States. In addition, Member States have implemented these procedures in differing systems, thereby adding to the complexity of transport operations as such.

According to the Commission, replacing these national reporting and authorization procedures by a unique registration system for the practice of transport will therefore contribute to simplify the procedure, reduce administrative burden, do away with barriers to entry, while the high radiation protection levels reached will be maintained.

**IMPACT ASSESSMENT:** the proposed mechanism, according to the impact assessment carried out in the preparation, strikes a careful balance between effective protection of workers and the public during transport operations, the legitimate interests of the stakeholders involved and the interests of Member States. Above all, the preferred option is the minimum necessary to effectively achieve the objectives set while keeping the costs within reasonable limits.

**LEGAL BASIS:** Article 31 and Article 32 of the Treaty establishing the European Atomic Energy Community.

**CONTENT:** the proposed Regulation replaces the reporting and authorization systems in the Member States by a single registration. It establishes a European System for Carrier Registration. Carriers should apply through a central web interface. These applications will be screened by the respective national competent authority which issues the registration if the applicant fulfils the basic safety standards. At the same time, the system allows the competent authorities a better overview of the carriers that are active in their country. The system must be available, tested and functional when this Regulation enters into force.

The Regulation adopts a graded approach:

- by excluding from the registration procedure carriers who transport exclusively "excepted packages". These shall mean any package in which the allowed radioactive content does not exceed the activity levels laid down in Table V of Section IV of Regulations for the Safe Transport of Radioactive Material No. TS-R-1 or one tenth of these limits for the transport by post and which are labelled as UN No. 2908, 2909, 2910 or 2911;
- by leaving it up to the Member States to add additional registration requirements for carriers of fissile and highly- radioactive materials.

Other Community law and international rules regarding physical protection, safeguards, and third-party liability continue to apply. This is true, in particular, for Directive 2008/68/EC.

**BUDGETARY IMPLICATIONS:** this proposal has no implication for the Union budget.

## Radioactive materials: system for registration of carriers

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**PURPOSE:** to establish a Community system for registration of carriers of radioactive materials.

**PROPOSED ACT:** Council Regulation.

**BACKGROUND:** Article 33 of the Treaty requires Member States to lay down the appropriate provisions to ensure compliance with the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

Council Directive 96/29/Euratom lays down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation. These basic standards mean: (i) maximum permissible doses compatible with adequate safety; (ii) maximum permissible levels of exposure and contamination; (iii) the fundamental principles governing the health surveillance of workers.

In order to ensure compliance with the basic safety standards persons, organisations or undertakings are subject to regulatory control by authorities of Member States. For that purpose Directive 96/29/Euratom requires Member States to submit certain practices involving a hazard from ionising radiation to a system of reporting and prior authorisation or to prohibit certain practices.

Transport being the only practice of a frequent cross-border nature, carriers of radioactive materials may be required to comply with requirements related to reporting and authorisation systems in several Member States. Member States have implemented these procedures in different ways, thereby adding to the complexity of transport operations.

Replacing these national reporting and authorisation procedures with a single registration system for conducting transport will therefore contribute to simplifying the procedure, reduce the administrative burden and do away with barriers to entry, while the high radiation protection levels reached will be maintained.

**IMPACT ASSESSMENT:** an impact assessment report accompanies this proposal.

**LEGAL BASIS:** the second paragraph of Article 31 and Article 32 of the Treaty establishing the European Atomic Energy Community.

**CONTENT:** this Regulation replaces the reporting and authorisation systems in Member States for the purpose of implementing Council Directive 96/29/Euratom with a single registration.

The Regulation establishes a European System for Carrier Registration. Carriers should apply through a central web interface. These applications will be screened by the respective national competent authority, which will issue the registration if the applicant fulfils the basic safety standards.

The Regulation adopts a graded approach by exempting carriers who transport exclusively excepted packages from the need to register. On the other hand, it leaves it up to Member States to add additional registration requirements for carriers of fissile and highly radioactive materials.

Other Community law and international rules regarding physical protection, safeguards, and third-party liability continue to apply. This is true,

in particular, for Directive 2008/68/EC.

#### BUDGETARY IMPLICATIONS:

- developing the registration system, whose website will also include links to the competent authorities in Member States, will cost roughly EUR 1 million in operational appropriations followed by annual running costs of EUR 0.18 million;
- supervising the development process of existing human resources will cost EUR 0.7 million, following which the assistance will cost EUR 0.1 million annually.

For the Advisory Committee established under the Regulation, no additional budgetary implications would be incurred if Member States agreed to make use of the existing Standing Working Group on the safe transport of radioactive materials. The financing for covering meetings of the Committee (less than EUR 30 000 per year) will be provided through redeployment of existing resources. No additional costs above the allocation in the budget line will be incurred.

## Radioactive materials: system for registration of carriers

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The Committee on Industry, Research and Energy adopted the report by Béla KOVÁCS (NI, HU) on the proposal for a Council regulation establishing a Community system for registration of carriers of radioactive materials.

The committee made the following amendments to the Commission proposal :

Legal basis: Members wanted the Regulation to be based on Article 91 of the Treaty on the Functioning of the European Union, so that Parliament would not be deprived of its powers of codecision particularly since the proposal concerns important environmental and health issues.

Objective and scope: the Regulation establishes a Community system for the authorisation and registration of carriers of radioactive materials based on [Directive 2008/68/EC](#) and Directive 96/29/Euratom. The Regulation shall apply to any carrier transporting radioactive materials by road, rail and inland waterway. It shall apply without prejudice to national provisions dealing with the protection of transport of radioactive materials against theft, sabotage or other malicious acts.

Registration certificate: individual transport operations shall be accompanied by a copy of the carrier's registration certificate.

Any transport of radioactive materials shall comply with the international rules and standards set by UNECE on dangerous and polluting goods, as well as the corresponding European Agreement on the International Carriage of Dangerous Goods by Road (ADR), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), as defined in Directive 2008/68/EC.

Registration procedure: a carrier shall apply for registration through the ESCReg to the competent authority. Online guidelines with contact data and information on how to reach the contact point or the competent authority shall be available at all times in order to assist the applicant.

In the event of rejection an error message shall be sent to the applicant giving the reasons for which the application was rejected.

A copy of the certificate of carrier registration as well as a copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to the competent authorities of all Member States.

The competent authority shall retain all historical data for all applicants in order to ensure their traceability, to facilitate better monitoring and to prevent any falsification.

Electronic System for Carrier Registration (ESCReg): the ESCReg shall be secured, robust and fully operational before the entry into force of the Regulation. In addition, an information exchange mechanism between the competent authorities and the ESCReg shall be set up in order to facilitate at least cross border transport. The ESCReg shall provide the public with access to the list of registered carriers.

The competent authorities of the Member States shall be responsible for the content of information submitted through the ESCReg, which shall be accurate, timely and transparent.

Application of common criteria: in order to ensure equal treatment for all applicants, the competent authorities shall ensure that the criteria for delivering the registration certificate are identical and consistent with IAEA definitions and that the registration process is harmonised. These common criteria shall consist of a set of safety standards based on the Modal Regulations for the Transport of Dangerous Goods (ADR, RID and ADN), Directive 96/29/Euratom and Directive 2008/68/EC with which carriers of radioactive materials must comply with in order to obtain a registration certificate;

Compliance: the enforcement measures shall be immediately notified to the Member State that issued the certificate. Within a maximum of four weeks, the notified Member State shall modify, renew or revoke the registration. The decision shall be issued through ESCReg to the competent authorities of all Member States.

Depending on the safety significance of the non-compliance and the record of compliance of the carrier, the Member State where the non-compliance was discovered may suspend the carrier's registration.

The suspension shall be immediately notified to the Member State that issued the certificate, and it may modify, renew or revoke the registration.

All cases of non-compliance must be notified to the competent authorities of all Member States and the Commission

Review: the Commission shall review the Regulation two years after its entry into force in order to assess its effectiveness and propose, if necessary, further measures to ensure safe carriage of radioactive materials within the Community and from third countries.

## Radioactive materials: system for registration of carriers

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The European Parliament adopted by 521 votes to 148 with 28 abstentions, a legislative resolution on the proposal for a Council regulation establishing a Community system for registration of carriers of radioactive materials. The Parliament's position in first reading following the ordinary legislative procedure amended the Commission's proposal as follows:

**Legal basis:** Parliament wanted the Regulation to be based on Article 91 of the Treaty on the Functioning of the European Union, so that Parliament would not be deprived of its powers of codecision particularly since the proposal concerns important environmental and health issues.

**Objective and scope:** the Regulation establishes a Community system for the authorisation and registration of carriers of radioactive materials based on [Directive 2008/68/EC](#) and Directive 96/29/Euratom. The Regulation shall apply to any carrier transporting radioactive materials by road, rail and inland waterway. It shall apply without prejudice to national provisions dealing with the protection of transport of radioactive materials against theft, sabotage or other malicious acts.

**Registration certificate:** individual transport operations shall be accompanied by a copy of the carrier's registration certificate.

**General requirements:** national reporting and authorisation requirements that are additional to the requirements laid down by this Regulation may apply, but are not limited, to the carriers of the following materials: (i) fissile material; (ii) high consequence dangerous goods - radioactive material.

Any transport of radioactive materials shall comply with the international rules and standards set by UNECE on dangerous and polluting goods, as well as: (i) the corresponding European Agreement on the International Carriage of Dangerous Goods by Road (ADR), (ii) the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), and (iii) the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), as defined in Directive 2008/68/EC.

**Financial capacity:** when applying for registration, the applicant shall submit evidence of its financial capacity to provide compensation for any damage in the event of an accident for which its convoy is responsible, in accordance with the polluter pays principle. Parliament also specified that the carriage of radioactive material on a convoy transporting explosives should be prohibited.

**Registration procedure:** a carrier shall apply for registration through the ESCReg to the competent authority. Online guidelines with contact data and information on how to reach the contact point or the competent authority shall be available at all times in order to assist the applicant.

In the event of rejection an error message shall be sent to the applicant giving the reasons for which the application was rejected.

A copy of the certificate of carrier registration as well as a copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to the competent authorities of all Member States.

The competent authority shall retain all historical data for all applicants in order to ensure their traceability, to facilitate better monitoring and to prevent any falsification.

**Electronic System for Carrier Registration (ESCReg):** the ESCReg shall be secured, robust and fully operational before the entry into force of the Regulation. In addition, an information exchange mechanism between the competent authorities and the ESCReg shall be set up in order to facilitate at least cross border transport. The ESCReg shall provide the public with access to the list of registered carriers.

The competent authorities of the Member States shall be responsible for the content of information submitted through the ESCReg, which shall be accurate, timely and transparent.

**Application of common criteria:** in order to ensure equal treatment for all applicants, the competent authorities shall ensure that the criteria for delivering the registration certificate are identical and consistent with IAEA definitions and that the registration process is harmonised. These common criteria shall consist of a set of safety standards based on the Modal Regulations for the Transport of Dangerous Goods (ADR, RID and ADN), Directive 96/29/Euratom and Directive 2008/68/EC with which carriers of radioactive materials must comply with in order to obtain a registration certificate;

**Compliance:** the enforcement measures shall be immediately notified to the Member State that issued the certificate, where the carrier does not comply with the requirements of the Regulation.

Within a maximum of four weeks, the notified Member State shall modify, renew or revoke the registration. The decision shall be issued through ESCReg to the competent authorities of all Member States.

Depending on the safety significance of the non-compliance and the record of compliance of the carrier, the Member State where the non-compliance was discovered may suspend the carrier's registration.

The suspension shall be immediately notified to the Member State that issued the certificate, and it may modify, renew or revoke the registration.

All cases of non-compliance shall be reported to the Commission and to the ESCReg.

**Review:** the Commission shall review the Regulation two years after its entry into force in order to assess its effectiveness and propose, if necessary, further measures to ensure safe carriage of radioactive materials within the Community and from third countries.