

Opinion
Article 31 Group of Experts
December 2002

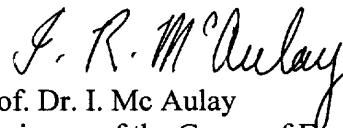
**concerning a Draft proposal for a Directive amending Council Directive
92/3/Euratom on the supervision and control of shipments of radioactive waste
between Member States and into and out of the Community**

The Group of Experts examined the proposal for a Council Directive on this subject at their meeting on 18-19 December 2002.

Special attention was given to the following issues:

- The need to update the scope of Directive 92/3/Euratom in order to reflect the provisions deriving from new Basic Safety Standards, particularly those laid down in Articles 3.2 (a) and (b) of Directive 96/29/Euratom;
- The importance of coherence between the new Directive and other Community legislation and international legal instruments applicable in, or closely related to, the same field, such as the IAEA Joint Convention on the Safety of Spent fuel Management and on the Safety of Radioactive Waste and the UN Convention on the Law of the Sea.
- Coherence can best be achieved by bringing the existing definitions into line with those provided in the Joint Convention and by ensuring that authorisation procedures of the Directive are in conformity with the Joint Convention. It also requires that any refusal or imposing of conditions concerning a shipment relate to Community legislation or international legal instruments, as well as to national provisions adopted in accordance with such legislation.
- The existing procedure, which regulates shipments of radioactive waste between Member States, needs to be simplified without hampering the existing rights of the Member States to object to, or impose conditions upon, a shipment of radioactive waste requiring their agreement. To achieve this, the different steps of the authorisation procedure must be clarified and the time limits extended. It is also vital that any refusal or imposing of conditions regarding a shipment be based on a clearly defined legal framework.

The Group of Experts endorsed the solutions proposed by the Commission to meet these objectives.



Prof. Dr. I. Mc Aulay
Chairman of the Group of Experts

Date: 7-2-2003