



Luxembourg

**Record of the 49th meeting of the Standing Working Group on Safe Transport of
Radioactive Material (SWG)**

9th December 2011

EUROFORUM Building, LUXEMBOURG

1. WELCOME TO THE PARTICIPANTS & CHAIRMAN OPENING

The Chairperson, Ms U. Blohm-Hieber, opened the meeting, welcoming and thanking the participants for attending. Since the last meeting in January 2010, there were a lot of things happening and she mentioned i.e. the waste directive which has been adopted in the meantime in July 2011.

A roundable of presentation took place: 28 experts attended the meeting , 17 Member states , 4 international organisations were represented.

2. ADOPTION OF THE AGENDA

The agenda was approved without notable modifications.

3. APPROVAL OF THE RECORDS OF THE 48TH MEETING

The draft minutes of the meeting were approved. J. Binet explained that he added to the minutes in track changes the written information he got just after the meeting. A clean copy will be provided.

4. PRESENTATION OF THE DRAFT REGULATION

The Chair summarized the different steps leading to the draft proposal by the Commission.

Mr C. Schroeder gave some explanations and clarifications: in brief what the Commission is proposing is to implement article 3 &4 of the BSS Directive (Basic Safety Standard) in a central way, requiring the carriers of radioactive material only one registration to allow them to transport all over the EU and to avoid the multiple and different systems of licences/authorisation implemented in the Member states.

In Nov 2009, the opinion of Article 31 Committee endorsed the principles of a graded approach. It recommended consultation of competent authorities and other affected parties on the administrative provisions and stressed need for coordinating regulatory control at EU level. With this mandate the Commission came back to the SWG meeting in January 2010 with the proposal and it was decided to set up a task force (TF) with some SWG members and representatives of users and carriers chaired by Mr Majérus to refine the proposal. By July 2010, the TF came with an updated proposal with revised administrative and technical provisions.

The Commission started the internal procedure by an inter-services consultation which took some time to conclude this consultation until August 2011. This draft proposal adopted by Commission was then sent to the SWG members, to the Council and the EP for information and formally to the ECOSOC Economic & Social committee for its opinion.

This opinion is due by the end of February 2012. The Commission will take into account this opinion and foresees a formal adoption of this proposal by April 2012 allowing the start of the discussions in the AQG Atomic Question Group of the Council and in the Parliament.

The Chair stressed the SWG members to contact their national representatives in this AQG committee to warn and to forward to them remarks, their views, their comments on this draft regulation.

P. Majérus commented that the Task Force in July 2010 did not reach a consensus on several items in the proposal like the excepted packages issues but he recognized the difficulty for the Commission to take on board all the critics/opinions and divergences from the SWG and different views from other Commission services.

J. Stewart (IAEA) welcomed the efforts from the Commission through this regulation proposal to harmonize the licensing procedures in use in the MS but he underlined that in the TSR1 transport regulation, a system of registration and or shipment notification, approval, etc... already existed which is intended to apply the international BSS, and his view is that TSR 1 should be harmonized leading to a international harmonization of the authorisation regime.

If changes in the licensing regime are needed, it would be better to do that at the international level instead at a restricted EU level.

J. Stewart also underlined some specific issues on the proposal itself like the mention of fissile material, no link to UN numbers definitions and how to deal with the adding or revising UN numbers every 2 years to be coherent with international developments.

For F. Kirchnawy (Austria), harmonization is already in place: TSR1(the IAEA regulation) is copied-pasted into UN regulation which is then copied-pasted into the ADR-RID agreements which in turn are copied-pasted and implemented by the EU Inland transport of dangerous goods Directive 2008/68 giving to TSR1 a legal basis for the EU.

L. Kueny (France) asked for explanations regarding the aspects of safety versus security with namely for fissile materials and also for the languages operating the system and for the contact points.

J. Duffy (Ireland) asked for clarifications regarding the contact point, the cooperation between MS versus the Services Directive and finally the issue of fees and charges for licensing administration.

The Chair thanked the members for their remarks, their requests but concluded this point relating again that further discussions will take place at the Council level where any amendments, changes could be accepted and stressed again the experts to forward their points to their respective AQG Council's representatives.

4. PRESENTATION OF THE ESCReg SYSTEM

S. Ciccarello and V. Viaggi (EC Informatic Unit) told about the preliminary works on the Informatics Toll (IT); the ESCReg system (European System for Carrier Registration) is the central piece of the Regulation. Following previous experiences for the development of such systems, 1 year would be needed for having the system ready.

V. Viaggi detailed the project governance and the role of the Steering Committee composed by 4 members which are the System Owner (chair), the Business Manager (J. Binet), the System Supplier (head of informatic's unit) and the Project Manager (V.Viaggi). [see annexe for details]

An important role in the project governance is assigned to the User representatives with the role to approve the project specifications and the criteria, to perform tests ensuring that specification meet the needs and requirements. The user representatives will meet periodically according to the project needs. The proposal is ideally to have 4 members (+ 4 deputies) from the Competent Authorities and 2 members from carriers/producers associations.

An appeal for voluntaries was done within the attendance. The first kick-off meeting is scheduled by end of April 2012.

The Chair invited the floor for questions.

The main concern from the floor is the time line and the fact that the system should be in operation when the regulation will entry in force. The chair recognized that it is of course an important parameter but depending of the length of the discussions within the Council, a date for adoption of the regulation could not be fixed yet. Regarding data modifications in the system, the Chair repeated the same answer (see last para of point 3)

The Chair concluded by proposing the deadline of 30th January 2012 to forward to the Commission (J. Binet) candidatures for the Steering Committee as user representatives.

5. THE NEW EURATOM BASIC SAFETY STANDARD (BSS)

Y. Dimitrova (radioprotection unit) presented the Commission proposal for a new Euratom BSS. The works started in 2005 and the new text was finally adopted on 29th September 2011 by the Commission. She concentrated her intervention on the regulatory for transport of radioactive material in Euratom BSS.

Every practices involving activities above exemption levels should be subject to notification (including the transport of RAM). This notification is mandatory but the

directive let the possibility to MS to introduce specific exemption of practises and practices which are not subject to specific exemption should be registered or licensed. Flexibility for MS to adjust regulatory control to the different types of practices is allowed by the new Directive.

Regarding the authorisation regime – licensing or registration- in cases where a limited risk of exposure does not necessitate the examination of individual cases and the practise is undertaken in accordance with conditions laid down in national legislation, competent authorities may limit regulatory control to registration of the practice.

Y. Dimitrova underlined the good cooperation between the IAEA and the European Commission in reviewing the BSS, both text IAEA BSS & Euratom BSS are quite similar except, unfortunately, not for the transport.

For the IAEA BSS the requirements for notification and authorisation of transport are fulfilled by means of compliance with the TSR1 regulations which is not possible for the EU BSS as footnotes or references to non EU documents are not possible.

Finally, she mentioned the next steps for the adoption process of the new BSS- opinion ECOSOC expected in February 2012 and start of the discussions in the AQG of the Council under Polish Presidency.

6. SECURE SUPPLY OF RADIOISOTOPES - DENIALS OF SHIPMENTS

J. Binet gave an overview of the last activities from the Commission in the field of security of supply of radioisotopes for medical use in the EU. He presented the response from the Commission to the Council recommendations. Several meetings were held with all stakeholders to refine the scenario for secure supply. The project of a Joint Undertaking was for the time being replaced by an Observatory. The main activities would cover the global coordination of reactor scheduling and monitoring the production of RI and the management of targets production including transport.

He reminded the members about the invitation from the Council to investigate the reasons for potential problems connected to the transport and to propose measures to fight against the denials of shipment within the EU.

7. EUROPEAN ASSOCIATION of COMPETENT AUTHORITIES (EACA)

C. Fasten (Germany) presented a report from the EACA written by S Whittingham, chair of this association. She underlined the TRAM perspective in term of number of packages transported, field of activities and transport needs. She reminded the origin of the Association which was the bilateral agreement between France and UK for mutual recognition of certification of packages. She explained the vision of the Association which is to develop a common or harmonised approach for the interpretation of the regulations for the TRAM in the EU.

C. Fasten mentioned the domain of cooperation and work programme of the association as well future activities [see annexe for details]

8. INFORMATION FROM MEMBER STATES

Spain published new regulations on physical protection and nuclear liability
UK created a new office regrouping safeguards, transport safety , nuclear safety and security.

Greece: is operating for years an electronic registration for carrier

9. INFORMATION FROM THE IAEA

J. Stewart announced a meeting on the follow-up of the Conference held in October for March 2012 – important meeting and contributions are requested in view of restructuration the IAEA activities

TSR1 & TG11 new versions are nearly completed

Denial of shipment- next meeting in Vienna in February

Training, brochure, film and new assessment tools are available.

10. CONCLUSIONS

The Chair thanked all the contributors and participants and reminded the members to send their candidatures for the user group as mentioned in point 4

J. Binet