
STATUTORY INSTRUMENTS

1993 No. 3031

**The Transfrontier Shipment of
Radioactive Waste Regulations 1993**

PART IV

RESHIPMENT OPERATIONS

Processing and reprocessing

12.—(1) Where radioactive waste is to be exported to a Member State, or to an undertaking within a Member State, for processing, these Regulations do not affect the right of the Member State, or that undertaking, to return the waste after treatment to its country of origin.

(2) Where irradiated nuclear fuel is to be exported to a Member State, or to an undertaking within a Member State, for reprocessing, these Regulations do not affect the right of the Member State, or that undertaking, to return to its country of origin waste or other products of the reprocessing operation.

Cases where approval of reshipment may not be withheld

13.—(1) Where radioactive waste was to be exported for processing, or irradiated nuclear fuel exported for reprocessing, to a Member State, or to an undertaking in a Member State, and transit of the initial shipment was approved under regulation 11, the chief inspector may not refuse to approve reshipment under regulation 11 where that reshipment concerns the same material after treatment or reprocessing if all relevant legislation is respected.

(2) Where—

(a) in relation to a shipment, the country of despatch is a Member State; and

(b) either—

(i) the shipment cannot be completed, or

(ii) the conditions and requirements contained in the authorisation and necessary approvals for the shipment are not complied with; and

(c) transit of the initial shipment was approved under regulation 11, the chief inspector may not refuse to approve under regulation 11 reshipment of the radioactive waste in question to the holder of that waste in the Member State of despatch where the reshipment is undertaken on the same conditions, and with the same specifications, as the initial shipment.

(3) Where—

(a) a shipment from a third country to a country of destination which is a Member State cannot be completed; and

(b) transit of the initial shipment was approved under regulation 11, the chief inspector may not refuse to approve under regulation 11 reshipment of that waste to the holder of the

waste established in the third country where the reshipment is undertaken on the same conditions, and with the same specifications, as the initial shipment.

Shipments of radioactive waste which cannot be completed etc.

14.—(1) Where, in relation to a shipment, the holder of the radioactive waste becomes obliged, by virtue of regulation 8(2), to take back the waste, the chief inspector shall ensure that the radioactive waste in question is taken back by the holder.

(2) Where a person has failed to comply with any obligation of his under regulation 8(2), the chief inspector may take proceedings in the High Court or, in Scotland, in any court of competent jurisdiction, for the purpose of securing compliance with the obligation.

(3) For the purposes of this regulation, “chief inspector” shall mean that one of the chief inspectors appointed under section 4 of the 1993 Act who granted authorisation for the shipment under regulation 7(5).