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STATUTORY INSTRUMENTS

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**2008 No. 3087**

**The Transfrontier Shipment of Radioactive  
Waste and Spent Fuel Regulations 2008**

**PART 1**

**Introduction**

**Title and coming into force**

1. These Regulations may be cited as the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 and come into force on 25th December 2008.

**Interpretation**

2. In these Regulations—

“Chief Inspector” means the Chief Inspector appointed under section 4 of the Radioactive Substances Act 1993(1);

“competent authority” (except when referring to the competent authority of another country) means—

- (a) in England and Wales, the Environment Agency;
- (b) in Scotland, the Scottish Environment Protection Agency;
- (c) in Northern Ireland, the Chief Inspector;

“holder” means any person who, before carrying out a shipment of radioactive waste or spent fuel, is responsible under the applicable national law for such materials and plans to carry out a shipment to a consignee;

“radioactive waste” means radioactive material in gaseous, liquid or solid form for which no further use is foreseen by the countries of origin and destination, or by a person whose decision is accepted by these countries, and which is controlled as radioactive waste by a regulatory body under the legislative and regulatory framework of the countries of origin and destination;

“reprocessing” means a process or operation, the purpose of which is to extract radioactive isotopes from spent fuel for further use;

“spent fuel” means nuclear fuel that has been irradiated in and permanently removed from a reactor core; spent fuel may either be considered as a usable resource that can be reprocessed or be destined for final disposal with no further use foreseen and treated as radioactive waste;

“shipment” means the whole of operations involved in moving radioactive waste or spent fuel from the country or the member State of origin to the country or the member State of destination and “ship” must be construed in accordance with this definition;

“third country” means a country that is not a member State of the European Community.

## **Application**

**3.—**(1) These Regulations apply to transfrontier shipments of radioactive waste or spent fuel if both the quantity and the concentration of the consignment exceed the levels laid down in paragraph 2, points (a) and (b) of Article 3 of Council Directive 96/29/Euratom as amended from time to time.

(2) They do not apply to—

- (a) a shipment of disused sources to a supplier or manufacturer of radioactive sources or to a recognised installation;
- (b) a shipment of radioactive materials recovered for further use through reprocessing; or
- (c) a shipment of waste that contains only naturally occurring radioactive material that does not arise from practices.

(3) In this regulation—

“disused source” means a sealed source which is no longer used or intended to be used for the practice for which authorisation was granted;

“practice” means a human activity that can increase the exposure of individuals to radiation from an artificial source, or from a natural radiation source where natural radionuclides are processed for their radioactive, fissile or fertile properties, except in the case of an emergency exposure; and

“recognised installation” means a facility located in the territory of a country authorised by the competent authorities of that country in accordance with national law for the long-term storage or disposal of sealed sources or an installation duly authorised under national law for the interim storage of sealed sources.