

SHIPMENTS OF RADIOACTIVE WASTE AND SPENT FUEL

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APPENDIX DEFINITIONS

This Guide is valid as of 1 August 2011 until further notice.

Helsinki 2012

ISBN 978-952-478-746-8 (pdf)

ISSN 0789-4619

ISBN 978-952-478-747-5 (html)

Authorization

The Radiation Act stipulates that the party running a radiation practice is responsible for the safety of the operations. The responsible party is obliged to ensure that the level of safety specified in the ST Guides is attained and maintained.

Under section 70, paragraph 2, of the Radiation Act (592/1991), STUK – Radiation and Nuclear Safety Authority (Finland) issues general instructions, known as Radiation Safety Guides (ST Guides), concerning the use of radiation and operations involving radiation.

Translation. In the event of any differences in interpretation of this guide, the Finnish and Swedish versions shall take precedence over this translation.

1 General

Shipments of radioactive waste and spent fuel between countries shall take place as laid down in Council Directive 2006/117/Euratom (Radiation Act (592/1991), section 52 a, and Nuclear Energy Act (990/1987), section 21). In Finland, radioactive waste under the Radiation Act and nuclear waste under the Nuclear Energy Act (hereinafter referred to as radioactive waste) fall under the scope of the Directive. This Guide describes the procedures to be applied in accordance with the Directive to shipments of radioactive waste and spent fuel across the Finnish borders.

This Guide applies to shipments in which

- Finland is the country of origin, the country of destination, or the country of transit
- the activity or the activity concentration of the shipment exceeds the exemption value for radioactive substances.

This Guide shall not apply to deliveries of radioactive waste or spent fuel within the Finnish borders. In these cases, the delivering party (holder) shall ensure otherwise that the consignee is appropriately authorized under the Radiation Act or under the Nuclear Energy Act to receive the radioactive waste or spent fuel.

This Guide shall not apply to

- shipments of disused sources to a supplier or manufacturer of radioactive sources or to a recognized installation
- shipments of radioactive materials, recovered through reprocessing, for further use
- shipments of waste that contains only naturally occurring radioactive material.

The Radiation and Nuclear Safety Authority (STUK) shall be the competent authority in Finland referred to in this Guide to supervise and control shipments of radioactive waste and spent fuel.

The concepts in this Guide accord with Council Directive 2006/117/Euratom. The definitions of the concepts are appended in this Guide.

“Radioactive waste” is defined in the Radiation Act, section 10, and “nuclear waste” in the Nuclear

Energy Act, section 3, item 3. The exemption values for radioactive substances are presented in Guide ST 1.5.

2 The law prohibits and restricts shipments

Disused radiation sources not manufactured in Finland, containing radioactive substances, shall not be imported to Finland as radioactive waste.

Nuclear waste generated from the use of nuclear energy in Finland shall be treated, stored and disposed of in Finland in a manner intended as permanent. This statement shall not apply to

- minor amounts of nuclear waste already delivered or to be delivered abroad for research purposes
- nuclear waste containing minor amounts of radioactive substances, delivered to another country for appropriate processing
- nuclear waste generated from operating a research reactor in Finland.

Nuclear waste generated from the use of nuclear energy outside of Finland shall not be treated, stored or disposed of in Finland in a manner intended as permanent. This statement shall not apply to

- minor amounts of nuclear waste already delivered or to be delivered to Finland for research purposes
- nuclear waste of unknown origin with no owner or holder found, already transferred or about to be transferred into the custody of authorities in Finland.

Radioactive waste or spent fuel shall not be shipped from Finland to

- a destination south of latitude 60° south
- a state which is party to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part (Cotonou ACP-EC Agreement), which is not a member state
- to a country whose technical, legislative or administrative facilities are inadequate for the care of radioactive waste.

The prohibitions and restrictions concerning the import, export and transit of radioactive waste are laid down in the Radiation Act, Section 52 a, paragraph 2 and 3.

Provisions concerning nuclear waste generated in Finland are laid down in the Nuclear Energy Act, section 6 a and in the Nuclear Energy Decree (161/1988), section 7 b. Provisions concerning nuclear waste not generated in Finland are laid down in the Radiation Act, section 6 b, and in the Radiation Decree, section 7 a.

Prohibited destinations for shipments of radioactive waste and spent fuel are given in Council Directive 2006/117/Euratom, Article 16.

3 All transboundary shipments require authorization

3.1 Exports from Finland

A holder who plans to carry out a shipment of radioactive waste or spent fuel from Finland shall apply for authorization in accordance with item 3.4.

3.2 Imports into Finland

When the country of origin of the shipment is a Community Member State, the holder established in the country of origin is required to obtain authorization from the competent authority in the country of origin. The competent authority in the country of origin is required to obtain STUK's authorization for the intended shipment into Finland.

When the country of origin of the shipment is not a Community Member State, the consignee in Finland is required to obtain authorization for the shipment in accordance with item 3.4. The application shall include evidence that the consignee has made an arrangement with the holder established in the country of origin, obliging that holder to take back radioactive waste or the spent fuel where a shipment cannot be completed in accordance with item 3.5. The arrangement shall be approved by the competent authority in the country of origin.

3.3 Transit through EU territory

When Finland is the first member state of transit in the Community, the party running a radiation practice (hereafter the responsible party) in charge of carrying out the shipment in Finland is required to obtain authorization for the shipment in accordance with item 3.4. The application shall include evidence that the consignee has made an arrangement with the holder established in the country of origin, obliging that holder to take back radioactive waste or the spent fuel where a shipment cannot be completed in accordance with item 3.5. The arrangement shall be approved by the competent authority in the country of origin.

3.4 Application for shipment authorization

In Finland, shipment authorization applications are submitted to STUK. The application shall be submitted on the standard document published by the EU Commission. The standard document and the related instructions are available on STUK's web pages at www.stuk.fi/proinfo.

The application may be sent in respect of more than one shipment, provided that

- the radioactive waste or the spent fuel to which it relates essentially has the same physical, chemical and radioactive characteristics in all shipments
- the shipments are to be made from the same holder to the same consignee and involve the same competent authorities
- where shipments involve transit through third countries, such transit is via the same frontier post of entry to and/or exit from the Community and via the same frontier post(s) of the third countries concerned, unless otherwise agreed between the competent authorities concerned.

After receiving the shipment authorization application, STUK shall apply for consent for the shipment of the competent authorities in the country of destination and the countries of transit, if any. Obtaining these consents may take several months. Therefore, the shipment authorization application shall be delivered to STUK well in advance, preferably 4–6 months prior to the intended shipment.

In addition, the applicant should be prepared for the fact that the competent authorities in the country of destination or transit may require the application (the standard document) in a language other than the language in which it was completed. Therefore, an authenticated translation shall be supplied by the holder in a language acceptable to these authorities.

STUK can authorize the shipment when all the consents of other countries have been granted. Any authorization shall be valid for a period of not more than three years. When establishing this period of validity, STUK shall take into account any conditions set out in the consents given by the competent authorities of the countries of destination and transit, if any.

The holder of the shipment authorization shall be required to ensure that a completed standard document certifying that the authorization procedure has been duly complied with accompanies each shipment, including cases where the authorization was applied for and was granted to more than one shipment. These standard documents shall be available to the competent authorities of the countries of origin and destination and any country of transit.

Provisions concerning STUK's authorization of the import, export and transit of radioactive waste are laid down in the Radiation Act, Section 52 a, paragraph 1.

Provisions concerning the licensing of nuclear waste imports and exports are laid down in chapter 7 c of the Nuclear Energy Decree (transit through the Finnish territory requires import and export licences).

Provisions concerning shipment authorizations and respective applications are given in Council Directive 2006/117/Euratom, Articles 6, 7, 10, 13, 14 and 15.

Provisions on the compulsory use of the standard document are given in Council Directive 2006/117/Euratom, Article 17. The standard document was established by Commission Decision 2008/312/Euratom.

3.5 Acknowledgement of the receipt of a shipment

When the shipment takes place to Finland, the consignee established in Finland shall, within 15 days of receipt of the shipment, send STUK an acknowledgement of receipt.

When the shipment takes place from Finland out of the Community, the dispatcher (holder) established in Finland shall notify STUK within 15 days of the shipment's reaching its destination. The notification shall indicate the last customs post in the Community through which the shipment passed. The notification shall be substantiated by a declaration by the consignee stating that the shipment has reached its destination outside the Community. The declaration shall indicate the customs post in the country of destination through which the shipment passed into the country.

When the shipment is intended to transit through the Community and Finland is the first Member State of transit, the responsible party established in Finland who is authorized to handle the shipment shall notify STUK within 15 days of the shipment's reaching its destination. The notification shall indicate the last customs post in the Community through which the shipment passed. The notification shall be substantiated by a declaration by the consignee stating that the shipment has reached its destination outside the Community. The declaration shall indicate the customs post in the country of destination through which the shipment passed into the country.

Provisions concerning acknowledgements of receipts of shipments are given in Council Directive 2006/117/Euratom, Articles 11, 13, 14 and 15.

3.6 Shipment failure

The competent authority in a member state of origin, destination or transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with Council Directive 2006/117/Euratom, or are not in accordance with the authorizations or consents given.

When the country of origin is a Community Member State, the holder shall be obligated to take back the radioactive waste or the spent fuel, unless the holder can present an alternative safe arrangement acceptable to the competent authority. The holder shall take all the necessary corrective measures to ensure safety. The holder shall be liable for costs when

the shipment cannot or may not be completed.

When the country of origin is outside the Community, the consignee established in Finland shall be liable for costs when the shipment cannot or may not be completed.

When the shipment is intended to transit through the Community and Finland is the first Member State of transit, the responsible party established in Finland who is authorized to handle the shipment shall be liable for costs when the shipment cannot or may not be completed.

Procedures and obligations concerning failures of shipments are given in Council Directive 2006/117/Euratom, Articles 12, 13, 14 and 15.

4 The customs authority supervizes imports and exports

The Customs Authority participates in the supervision of extra-community shipments of radioactive waste and spent fuel as well as in ascertaining compliance with the prohibitions

given in chapter 2. The Customs Authority also controls the standard documents required for extra-community shipments of radioactive waste and spent fuel under the Council Directive (2008/312/Euratom).

When radioactive waste or spent fuel is shipped into or out of the Community, the customs declaration or an appended clarification shall declare its nature, amount and authorization requirement clearly. In addition, the declaration shall indicate the number of STUK's shipment authorization and the code, as instructed by Customs guidance.

Bibliography

1. Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel. OJ L 337, 5.12.2006, p. 21.
2. Commission Decision 2008/312/Euratom of 5 March 2008 establishing the standard document for the supervision and control of shipments of radioactive waste and spent fuel referred to in Council Directive 2006/117/Euratom. OJ L 107, 17.04.2008, p. 32.

APPENDIX

Definitions

These definitions comply with Council Directive 2006/117/Euratom and may not be in complete compliance with definitions given in other statutes and guides.

Radioactive waste

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 natural or legal 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 or destination.

Spent fuel

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

Reprocessing

Process or operation, the purpose of which is to extract radioactive isotopes from spent fuel for further use.

Shipment

The whole of operations involved in moving radioactive waste or spent fuel from the country of origin to the country of destination.

Disposal

The emplacement of radioactive waste or spent fuel in an authorized facility without the intention of retrieval.

Storage

The holding of radioactive waste or spent fuel in a facility that provides for its containment, with the intention of retrieval.

Holder

The responsible party 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.

Consignee

Any responsible party to whom radioactive waste or spent fuel is shipped.

Country of origin

Any country from which a shipment of radioactive waste or spent fuel is planned to be initiated or is initiated.

Country of destination

Any country to which a shipment of radioactive waste or spent fuel is planned or takes place.

Country of transit

Any country other than the country of origin or the country of destination, through the territory of which a shipment is planned or takes place.

Competent authority

Any authority which, under the law or regulations of the countries of origin, transit or destination, are empowered to implement the system of supervision and control of shipments of radioactive waste or spent fuel. In Finland, the competent authority is STUK.

Recognized installation

A facility located in the territory of a country authorized by the competent authorities of that country in accordance with national law for the long-term storage or disposal of sealed sources.