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NOTIFIKAZZJONI TAL-GVERN

Nru. 24

ATT DWAR IL-ĦARSIEN TAL-AMBJENT
(KAP. 435)

BIS-SAĦĦA tal-poteri mogħtija bl-artikoli 9 u 10 tal-Att dwar il-Ħarsien tal-Ambjent, il-Prim Ministru, wara konsultazzjoni mal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, qiegħed b'dan l-avviż jippubblika dan l-abbozz ta' regolamenti fejn jippermetti lil kull persuna perijodu ta' erba' ġimgħat biex tagħmel rappreżentazzjonijiet lid-Direttur għall-Ħarsien ta' l-Ambjent tal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, fejn tiddikjara kif, fil-fehma tagħha, ir-regolamenti proposti ma jkunux jipproteġu biżżejjed l-ambjent jew kif dawn ikunu restrittivi ż-żejjed bla bżonn jew jikkaġunawlha diffikultà jew telf ekonomiku u titlob għal reviżjoni ta' dak l-abbozz:-

Regolamenti tal-2009 dwar Maniġġar ta' Skart (Superviżjoni u Kontroll ta' Vjaġġi ta' Skart Radjuattiv u ta' Kombustibbli Eżawrit).

L-14 ta' Jannar, 2009

GOVERNMENT NOTICE

No. 24

ENVIRONMENT PROTECTION ACT
(CAP. 435)

BY VIRTUE of the powers conferred by articles 9 and 10 of the Environment Protection Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, is hereby publishing the following draft regulations to allow any person a period of four weeks to make representations to the Director for Environment Protection of the Malta Environment and Planning Authority, stating how, in his opinion, the proposed regulations do not sufficiently respect the environment or how they are too unnecessarily restrictive or cause him hardship or economic loss and asking for a revision of such draft:-

Waste Management (Supervision and Control of Shipments of Radioactive Waste and Spent Fuel) Regulations, 2009.

14th January, 2009

A. L. ta' l-2009

ATT DWAR IL-ĦARSIEN TAL-AMBJENT
(KAP. 435)

Regolamenti tal-2009 dwar Maniġġar ta' Skart (Superviżjoni u Kontroll ta' Vjaġġi ta' Skart Radjuattiv u ta' Kombustibbli Eżawrit)

BIS-SAĦĦA tas-setgħat mogħtija bl-artikoli 9, 10, 11(1)(b) u 28 tal-Att dwar il-Ħarsien tal-Ambjent, il-Prim Ministru, wara konsultazzjoni mal-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, għamel dawn ir-regolamenti li ġejjin:-

Tqassim tar-Regolamenti

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PARTI I

DISPOŻIZZJONIJIET ĠENERALI

Titolu u Bidu fis-Seħħ.

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2009 dwar Maniġġar ta' Skart (Superviżjoni u Kontroll ta' Vjaġġi ta' Skart Radjuattiv u ta' Kombustibbli Eżawrit).

(2) Dawn ir-regolamenti għandhom jidħlu fis-seħħ f'dik id-data li l-Ministru responsabbli għall-ambjent jista', b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u għanijiet differenti ta' dawn ir-regolamenti.

Skop.

2. (1) Dawn ir-regolamenti għandhom iġibu fis-seħħ id-dispożizzjonijiet tad-Direttiva tal-Kunsill 2006/117/EURATOM[1] ta' l-20 ta' Novembru 2006 dwar superviżjoni u kontroll ta' vjaġġi ta' skart radjuattiv u ta' kombustibbli eżawrit u tad-Deċiżjoni tal-Kummissjoni 2008/312/EURATOM[2] tal-5 ta' Marzu 2008 li tistabbilixxi id-dokument li huwa standard għas-superviżjoni u kontroll ta' vjaġġi ta' skart radjuattiv u ta' kombustibbli eżawrit kif imsemmi fid-Direttiva tal-Kunsill 2006/117/EURATOM.

(2) Dawn ir-regolamenti joħolqu sistema ta' superviżjoni u kontroll ta' vjaġġi transkonfinali ta' skart radjuattiv u ta' kombustibbli eżawrit, sabiex tkun garantita protezzjoni adegwata tal-popolazzjoni.

[1] OJ L 337, 5.12.2006, p. 21.
[2] OJ L 107, 17.4.2008, p. 32.

(3) Dawn ir-regolamenti jipprovdu miżuri addizzjonali, proċeduri u gwida għal dawk li jinsabu fir-Regolamenti ta' l-2003 dwar is-Sigurtà Nukleari u l-Protezzjoni mir-Radjazzjoni.

A. L. 44 ta' l-2003.

Interpretazzjoni.

3. (1) Għall-finijiet ta' dawn ir-regolamenti, it-tifsiriet li ġejjin għandhom japplikaw:

"applikazzjoni mimlija kif xieraq" tfisser id-dokument standard li jikkonforma mal-ħtiġiet kollha, kif stabbilit skond regolament 5 ta' dawn ir-regolamenti;

Kap. 435.

"l-Att" tfisser l-Att dwar il-Ħarsien ta' l-Ambjent;

"l-Awtorità Kompetenti" tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar u korp jew persuna bħal dik li l-Ministru jista' b'ordni fil-Gazzetta jinnomina u korpi jew persuni differenti jistgħu jiġu hekk imsemmija bħala l-awtorità kompetenti għal dispożizzjonijiet differenti u għanijiet differenti ta' dawn ir-regolamenti;

"awtoritajiet kompetenti" tfisser kull awtorità li, taħt il-liġi jew taħt ir-regolamenti tal-pajjiżi ta' l-oriġini, ta' transitu jew ta' destinazzjoni, ikollhom is-setgħa li jimplimentaw is-sistema ta' superviżjoni u ta' kontroll ta' vjaġġi ta' skart radjuattiv jew ta' kombustibbli eżawrit;

"detentur" tfisser kull persuna fiżika jew ġuridika li, qabel ma twettaq vjaġġ ta' skart radjuattiv jew ta' kombustibbli eżawrit tkun responsabbli taħt il-liġi nazzjonali li tkun tapplika għal materjali bħal dawk u li tippjana li twettaq vjaġġ lil kunsinnatarju;

"ħażna" tfisser iż-żamma ta' skart radjuattiv jew ta' kombustibbli eżawrit f'impjant li jkun jipprovdi għall-konteniment tiegħu, bil-ħsieb li jerġa' jinġabar;

"installazzjoni rikonoxxuta" tfisser impjant li jinsab fit-territorju ta' pajjiż awtorizzat mill-awtoritajiet kompetenti ta' dak il-pajjiż skond il-liġi nazzjonali għall-ħżin jew għar-rimi fit-tul ta' sorsi ssiġillati jew installazzjoni awtorizzata kif xieraq taħt il-liġi nazzjonali għall-ħżin sakemm is-sorsi issiġillati jkunu maħżuna;

"kombustibbli eżawrit" tfisser kombustibbli nukleari li jkun

ġie irradjat fi u mneħħi b'mod permanenti mill-qalba ta' reattur; kombustibbli eżawrit jista' jkun kunsidrat bħala sors utilizzabbli li jista' jkun ripproċessat jew jkun destinat sabiex fl-aħħar jintrema mingħajr użu ulterjuri previst u għandu jkun trattat bħala skart radjuattiv;

"il-Komunità" tfisser il-Komunità Ewropea ta' l-Enerġija Atomika;

"kunsinnatarju" tfisser kull persuna fiżika jew ġuridika li lilha jkun intbagħatilha skart radjuattiv jew kombustibbli eżawrit;

"Malta" tfisser il-Gżira ta' Malta, il-Gżira ta' Għawdex u l-gżejjer l-oħra ta' l-Arċipelagu Malti, inkluż l-ilmijiet territorjali tagħhom;

"il-Ministru" tfisser il-Ministru responsabbli għall-ambjent;

"pajjiż jew Stat Membru ta' destinazzjoni" tfisser kull pajjiż jew Stat Membru li jkun hemm pjanat għalih vjaġġ jew li qed iseħħ vjaġġ;

"pajjiż jew Stat Membru ta' l-oriġini" tfisser kull pajjiż jew Stat Membru li minnu jkun pjanat li ser jibda jew li jkun beda vjaġġ;

"pajjiż jew Stat Membru ta' transitu" tfisser kull pajjiż jew Stat Membru differenti mill-pajjiż jew mill-Istat Membru ta' l-oriġini jew mill-pajjiż jew mill-Istat Membru ta' destinazzjoni, li mit-territorju tiegħu jkun pjanat jew ikun qed iseħħ vjaġġ;

"rimi" tfisser it-tqegħid ta' skart radjuattiv jew ta' kombustibbli eżawrit f'impjant awtorizzat, mingħajr il-ħsieb li jerġa' jinġabar;

"ripproċessar" tfisser proċess jew operazzjoni, li l-iskop tagħha huwa l-estrazzjoni ta' isotopi radjuattivi minn kombustibbli eżawrit għal użu ulterjuri;

"skart radjuattiv" tfisser materjal radjuattiv f'forma gassuża, likwida jew solida li għalih ma jkunx previst użu ulterjuri mill-pajjiżi ta' l-oriġini u tad-destinazzjoni, jew minn persuna fiżika jew ġuridika li d-deċiżjoni tagħha tkun aċċettata minn dawn il-pajjiżi, u li jkun kontrollat bħala skart radjuattiv minn korp regolatorju taħt il-qafas leġiżlattiv u regolatorju tal-pajjiżi ta' l-oriġini u tad-destinazzjoni;

"skart" b'żieda ma' dak li jingħad fl-Att, tfisser kull ħaġa, sustanza, prodott jew oġġett, f'għamla sew solida sew

likwida, ta' xorta kemm perikoluża kemm xort'oħra, li d-detentur jwarrab għar-rimi, jew ikun bi ħsiebu jew ikun meħtieġ li jwarrab għar-rimi, jew dak kollu li jitqies li jkun skart mill-awtorità kompetenti nominata mill-Ministru responsabbli mill-ambjent skond artikolu 6 ta' l-Att;

"sors issiġillat" għandha l-istess tifsira kif mogħtija fir-Regolamenti ta' l-2003 dwar is-Sigurtà Nukleari u l-Protezzjoni mir-Radjazzjoni, u fejn ikun japplika tinkludi l-kapsula li jkollha fiha l-materjal radjuattiv bħala parti integrali tas-sors;

"sors li m'għadux jintuża" tfisser sors issiġillat li m'għadux jintuża iżjedjew mhux maħsub li jintuża għall-prattika li għaliha tkun inħarġet l-awtorizzazzjoni;

"vjaġġ" tfisser l-operazzjonijiet kollha involuti fiċ-ċaqlieq ta' skart radjuattiv jew ta' kombustibbli eżawrit mill-pajjiż jew l-Istat Membru ta' oriġini għal pajjiż jew Stat Membru ta' destinazzjoni;

"vjaġġ extra-Komunitarju" tfisser vjaġġ li jkun twettaq fejn il-pajjiż ta' l-oriġini u, jew il-pajjiż tad-destinazzjoni huma pajjiżi terzi;

"vjaġġ intra-Komunitarju' tfisser vjaġġ li jkun twettaq fejn il-pajjiż ta' l-oriġini u l-pajjiż tad-destinazzjoni huma Stati Membri;

(2) Il-frażijiet l-oħra kollha għandhom ikollhom l-istess tifsir mogħti lilhom f'regolament 3 tar-Regolamenti ta' l-2003 dwar is-Sigurtà Nukleari u l-Protezzjoni mir-Radjazzjoni.

Applikabilità.

4. (1) Dawn ir-regolamenti għandhom japplikaw għal vjaġġi transkonfinali ta' skart radjuattiv jew kombustibbli eżawrit kull meta:

(a) il-pajjiż ta' l-oriġini jew il-pajjiż tad-destinazzjoni jew kull pajjiż ta' transit huwa Stat Membru Komunitarju; u,

(b) il-kwantità u l-konċentrazzjoni tal-kunsinna tkun teċċedi l-livelli msemmija f'paragrafi (a) u (b) tas-subregolament (2) ta' regolament 18 tar-Regolamenti ta' l-2003 dwar is-Sigurtà Nukleari u l-Protezzjoni mir-Radjazzjoni.

(2) Dawn ir-regolamenti m'għandhomx japplikaw għal:

(a) vjaġġi ta' sorsi li m'għadhomx jintużaw li jintbagħtu lil fornitur jew lil manifattur ta' sorsi radjuattivi jew lil installazjoni rikonoxxuta;

(b) vjaġġi ta' materjal radjuattiv irkuprat, permezz ta' ripproċessar, għal użu ulterjuri; u

(ċ) vjaġġi transkonfinali ta' skart li jkun fihom biss materjal radjuattiv naturali, li ma jkunx inħoloq minn xi prattiki.

(3) Dawn ir-regolamenti m'għandhomx jinċidu fuq id-dritt ta' Stat Membru jew ta' intrapriża f'dak l-Istat Membru, li lilu se jintbagħat skart radjuattiv għall-ipproċessar, jew se jintbagħat materjal ieħor bil-għan li jiġi rkuprat l-iskart radjuattiv, li jibgħat lura l-iskart radjuattiv lejn il-pajjiż ta' l-oriġini tiegħu wara li jkun sarlu trattament.

(4) Dawn ir-regolamenti m'għandhomx jinċidu fuq id-dritt ta' Stat Membru jew ta' intrapriża f'dak l-Istat Membru, li lilu se jintbagħat kombustibbli eżawrit għal ripproċessar, li jibgħat lura l-iskart radjuattiv rkuprat mill-operazzjoni ta' ripproċessar lejn il-pajjiż ta' l-oriġini tiegħu.

(5) Mingħajr preġudizzju għall-kompetenza ta' kull Stat

Membru sabiex ifisser l-politika dwar iċ-ċiklu ta' kombustibbli eżawrit tiegħu, dawn ir-regolamenti m'għandhomx jinċidu fuq id-dritt ta' Stat Membru li jesporta kombustibbli eżawrit għar-ripproċessar, u għandha ssir konsiderazzjoni tal-prinċipji tas-suq nukleari komuni, b'mod partikolari l-moviment liberu tal-merkanzija:

Iżda dawk il-vjaġġi u l-esportazzjonijiet għandhom ikunu sorveljati u kontrollati skond il-proċeduri stabbiliti f'dawn ir-regolamenti.

(6) Dawn ir-regolamenti m'għandhomx jinċidu fuq id-dritt ta' Stat Membru sabiex jibgħat lura b'mod sigur lejn il-pajjiż ta' l-oriġini tiegħu:

(a) vjaġġi ta' skart radjuattiv u ta' kombustibbli eżawrit li jaqgħu taħt l-għan ta' dawn ir-regolamenti iżda li ma kienux awtorizzati kif xieraq skond dawn ir-regolamenti; u

(b) skart kontaminat bir-radjuattività jew materjal li jkun fih sors radjuattiv fejn dan il-materjal ma jkunx ġie dikjarat bħala skart radjuattiv mill-pajjiż ta' l-oriġini.

(7) Dawn ir-regolamenti għandhom jkunu bla ħsara għad-drittijiet u obligazzjonijiet taħt liġi internazzjoniali u għandhom japplikaw bla ħsara għal dispożizzjonijiet eżistenti, bħal rekwiżiti għas-

sigurtà nukleari u għal protezzjoni mir-radjazzjoni jew leġiżlazzjoni speċifika, b'mod partikolari ir-Regolamenti ta' l-2003 dwar is-Sigurtà Nukleari u l-Protezzjoni mir-Radjazzjoni.

Użu ta' dokument li jkun standard.

5. (1) Għandu jintuża dokument standard fir-rigward ta' kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit bejn Stati Membri jew fi ħdan, 'l barra jew li jgħaddu mill-Komunità, fi ħdan il-għan ta' dawn ir-regolamenti, kif ġej:

(a) Sezzjoni A-1 sa A-6 ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tkun mimlija għal vjaġġi ta' skart radjuattiv;

(b) Sezzjoni B-1 sa B-6 ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tkun mimlija għal vjaġġi ta' kombustibbli eżawrit, inkluż dak destinat għar-rimi finali u għaldaqstant kategorizzat bħala skart;

(ċ) Sezzjoni A-1 jew B-1 ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tintuża għall-applikazzjoni ta' awtorizzazzjoni ta' vjaġġi u għandha timtela mill-applikant, skond it-tip ta' vjaġġ.

Iżda l-applikant għandu jkun:

(i) id-detentur f'każ ta' vjaġġ bejn Stati Membri (tip MM) jew esportazzjoni mill-Komunità għal pajjiż terz (tip ME);

(ii) il-kunsinnatarju f'każ ta' importazzjoni fil-Komunità minn pajjiż terz (tip IM); jew

(iii) il-persuna responsabbli għall-vjaġġ fl-Istat Membru li l-iskart radjuattiv jew il-kombustibbli eżawrit jidħol fil-Komunita` f'każ ta' transitu mill-Komunità (tip TT).

(d) Sezzjoni A-2 jew B-2 ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tintuża għall-konferma tar-riċevuta ta' applikazzjoni u għandha timtela mill-awtoritajiet kompetenti konċernati, skond it-tip ta' vjaġġ:

Iżda l-awtoritajiet kompetenti għandhom ikunu:

(i) ta' l-oriġini f'każ ta' vjaġġ bejn Stati Membri (tip MM) jew ta' esportazzjoni mill-Komunità għal ġo pajjiż terz (tip ME);

(ii) ta' destinazzjoni f'każ ta' importazzjoni fil-Komunità minn pajjiż terz (tip IM); jew

(iii) ta' transitu meta l-vjaġġ l-ewwel jidħol fil-Komunità f'każ ta' transitu mill-Komunità (tip TT).

(e) Sezzjoni A-3 jew B-3 ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tintuża għar-rifjut jew għal kunsens u għandha timtela mill-awtoritajiet kompetenti konċernati.

(f) Sezzjoni A-4a/A-4b jew B-4a/B-4b ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tintuża għall-awtorizzazzjoni jew rifjut ta' vjaġġ u għandha timtela mill-awtorità kompetenti responsabbli mill-ħruġ ta' l-awtorizzazzjoni, skond it-tip ta' vjaġġ:

Iżda l-awtorità kompetenti responsabbli mill-ħruġ ta' l-awtorizzazzjoni għandha tkun l-awtorità kompetenti ta':

(i) l-Istat Membru ta' l-oriġini f'każ ta' vjeġġ bejn Stati Membri (tip MM) jew esportazzjoni mill-Komunità għal ġo pajjiż terz (tip ME);

(ii) l-Istat Membru ta' destinazzjoni f'każ ta' importazzjoni għall-Komunità minn pajjiż terz (tip IM); jew

(iii) l-ewwel Stat Membru ta' transitu meta l-vjaġġ jidħol fil-Komunità f'każ ta' transitu mill-Komunità (tip TT).

(g) Sezzjoni A-5 jew B-5 ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tintuża għad-deskrizzjoni tal-kunsinna u lista ta' pakketti u għandha timtela mill-applikant:

Iżda l-applikant għandu jkun:

(i) id-detentur f'każ ta' vjaġġ bejn Stati Membri (tip MM) jew esportazzjoni mill-Komunità għal ġo pajjiż terz (tip ME);

(ii) il-kunsinnatarju f'każ ta' importazzjoni għall-Komunità minn pajjiż terz (tip IM); jew

(iii) il-persuna responsabbli għall-vjaġġ fl-Istat Membru li l-iskart radjuattiv jew il-kombustibbli eżawrit jidħol fil-Komunità f'każ ta' transitu mill-Komunità (tip TT).

(h) Sezzjoni A-6 jew B-6 ta' Skeda 1 li tinsab ma' dawn ir-regolamenti għandha tintuża għall-konferma tar-riċevuta tal-vjaġġ u għandha timtela minn:

(i) il-kunsinnatarju f'każ ta' vjaġġ bejn Stati Membri (tip MM) jew ta' importazzjoni fil-Komunità minn pajjiż terz (tip IM); jew

(ii) id-detentur f'każ ta' esportazzjoni mill-Komunità f'pajjiż terz (tip ME); jew

(iii) il-persuna responsabbli għall-vjaġġ fl-Istat Membru li l-iskart radjuattiv jew il-kombustibbli eżawrit jidħol fil- Komunità f'każ ta' transitu mill-Komunità (tip TT).

(2) Id-dokument standard għandu jsir disponibbli f'forma elettronika, bil-format kif hemm muri fi Skeda 1 li tinsab ma' dawn ir-regolamenti.

(3) L-applikazzjoni għal awtorizzazzjoni għandha timtela u kull dokument u informazzjoni oħra msemmija fir-regolamenti 12, 19, 26, 29, 31, 32 u 33 ta' dawn ir-regolamenti għandha tiġi fornita f'lingwa aċċettabbli għall-awtoritajiet kompetenti ta' l-Istat Membru li għandu tiġi preżentata l-applikazzjoni għal awtorizzazzjoni skond dawn ir-regolamenti:

Iżda fuq talba ta' l-awtoritajiet kompetenti tal-pajjiż tad-destinazzjoni jew ta' transitu, id-detentur għandu jforni traduzzjoni awtentikata f'lingwa aċċettabbli għalihom.

(4) Kull ħtieġa addizzjonali sabiex jiġi awtorizzat vjaġġ għandha tiġi mehmuża mad-dokument standard.

(5) Mingħajr preġudizzju għal kull dokument ieħor li jkun anness u li jkun meħtieġ taħt dispożizzjonijiet legali relevanti oħra, id-dokument standard li jkun mimli li jkun jiċċertifika li l-proċedura awtorizzata tkun konformi għandha takkumpanja kull vjaġġ li hemm riferenza għalih taħt dawn ir-regolamenti, inkluż każijiet fejn l-awtorizzazzjoni tkun relatata ma' aktar minn vjaġġ wieħed f'dokument wieħed.

(6) Dawn id-dokumenti għandhom ikunu disponibbli lill-awtoritajiet kompetenti tal-pajjiż ta' l-oriġini u tad-destinazzjoni u ta' kull pajjiż ta' transitu.

Konsultazzjoni mal-Bord għall-Protezzjoni mir-Radjazzjoni.

6. Fil-każ ta' kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit li joriġina minn Malta, li jkun ser igħaddi minn Malta jew ikun destinat lejn Malta, l-Awtorità Kompetenti tista' ma tagħtix awtorizzazzjoni sakemm ma tkunx qabel ikkonsultat mal-Bord għall-Protezzjoni mir-Radjazzjoni stabbilit skond regolament 9 tar-Regolamenti ta' l-2003 dwar is-Sigurtà Nukleari u l-Protezzjoni mir-Radjazzjoni.

PARTI II

TIPI TA' VJAĠĠI

Sistema għal klassifikazzjoni ta' vjaġġi.

7. Għal fini ta' dawn ir-regolamenti, vjaġġi ta' skart radjuattiv jew kombustibbli eżawrit għandhom ikunu klassifikati taħt waħda mit-tipi li ġejjin:

(1) Vjaġġ intra-Komunitarju li joriġina minn Malta: kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit li jkun twettaq, fejn il-pajjiż ta' l-oriġini jkun Malta u l-pajjiż tad-destinazzjoni jkun Stat Membru ieħor; jew

(2) Vjaġġ intra-Komunitarju li jgħaddi minn Malta: kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit li jkun twettaq, fejn il-pajjiż ta' l-oriġini u l-pajjiż tad-destinazzjoni jkunu Stati Membri u Malta tkun pajjiż ta' transitu; jew

(3) Vjaġġ intra-Komunitarju destinat lejn Malta: kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit li jkun twettaq, fejn il-pajjiż ta' destinazzjoni jkun Malta u l-pajjiż ta' l-oriġini jkun Stat Membru ieħor; jew

(4) Vjaġġ extra-Komunitarju li joriġina minn Malta: kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit li jkun twettaq, fejn il-

pajjiż ta' l-oriġini jkun Malta u l-pajjiż tad-destinazzjoni jkun pajjiż terz; jew

(5) Vjaġġ extra-Komunitarju li jgħaddi minn Malta: kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit li jkun twettaq, fejn il-pajjiż ta' l-oriġini u, jew il-pajjiż tad-destinazzjoni jkunu pajjiżi terzi u Malta tkun pajjiż ta' transitu; jew

(6) Vjaġġ extra-Komunitarju destinat lejn Malta: kull vjaġġ ta' skart radjuattiv jew kombustibbli eżawrit li jkun twettaq, fejn il-pajjiż ta' l-oriġini jkun pajjiż terz u l-pajjiż tad-destinazzjoni jkun Malta.

PARTI III

VJAĠĠI INTRA-KOMUNITARJI LI JORIĠINAW MINN MALTA

Applikazzjoni għal awtorizzazzjoni ta' vjaġġ.

8. (1) Detentur li jippjana li jwettaq vjaġġ intra-Komunitarju ta' skart radjuattiv jew ta' kombustibbli eżawrit jew li jirranġa għal vjaġġ li għandu jitwettaq, għandu jippreżenta applikazzjoni li għandha timtela kif xieraq għal awtorizzazzjoni lill-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' oriġini.

(2) L-applikazzjoni tkun tista' tintbagħat fir-rigward ta' aktar minn vjaġġ wieħed, sakemm:

(a) l-iskart radjuattiv jew il-kombustibbli eżawrit relatat, ikollu essenzjalment l-istess karatteristiċi fiżiċi, kimiċi u radjuattivi; u

(b) il-vjaġġi għandhom isiru mill-istess detentur lill-istess kunsinnatarju u għandhom jinvolvu l-istess awtoritajiet kompetenti; u

(ċ) meta vjaġġi jkunu jinvolvu transitu minn pajjiżi terzi, transitu bħal dak għandu jsir mill-istess stazzjon fil-fruntiera tad-dħul u, jew tal-ħruġ mill-Komunità u mill-istess stazzjon jew stazzjonijiet tal-fruntiera tal-pajjiż jew pajjiżi terzi

konċernati, sakemm ma jkunx sar ftehim mod ieħor bejn l-awtoritajiet kompetenti konċernati.

Trasmissjoni ta' l-applikazzjoni lill-awtoritajiet kompetenti.

9. (1) L-Awtrorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha tibgħat l-applikazzjoni li tkun imtliet b'mod xieraq msemmija f'regolament 8 ta' dawn ir-regolamenti għall-kunsens, lill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni u ta' l-Istati Membri ta' transitu, jekk ikun hemm.

(2) L-Awtrorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha tieħu l-miżuri neċessarji sabiex tiżgura li l-informazzjoni kollha dwar vjaġġi koperti b'dawn ir-regolamenti jiġu trattati bl-attenzjoni xierqa u protetti minn kull użu irregolari.

Konferma tar-riċevuta ta' l-applikazzjoni u talba għal informazzjoni.

10. (1) Fi żmien għoxrin jum wara li jirċievu l-applikazzjoni, l-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni u ta' transitu, għandhom jivverifikaw li l-applikazzjoni tkun mimlija kif xieraq.

(2) F'każ li l-applikazzjoni tkun mimlija kif xieraq, l-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni għandhom jibagħtu konferma tar-riċevuta lill-Awtorità Kompetenti, bħala awtorità

kompetenti ta' l-Istat Membru ta' l-oriġini, u jibagħtu kopja tagħha lill-awtoritajiet kompetenti l-oħra konċernati, mhux aktar tard minn għaxart ijiem wara l-iskadenza tal-perjodu ta' għoxrin jum stabbilit fis-subregolament (1) ta' dan ir-regolament.

(3) Jekk xi waħda mill-awtoritajiet kompetenti ta' l-Istati Membri konċernati tikkunsidra li l-applikazzjoni mhix mimlija kif xieraq, hija għandha titlob l-informazzjoni li tkun nieqsa mill-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini u għandha tinforma lill-awtoritajiet kompetenti l-oħra dwar talba bħal dik:

Iżda din it-talba m'għandhiex issir aktar tard mill-iskadenza tal-perjodu stipulat fis-subregolament (1) ta' dan ir-regolament.

(4) L-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha tgħaddi l-informazzjoni mitluba lill-awtoritajiet kompetenti konċernati.

(5) Mhux aktar tard minn għaxart ijiem wara d-data li jirċievu l-informazzjoni nieqsa u wara l-iskadenza tal-perjodu ta' għoxrin jum stabbilit fis-subregolament (1) ta' dan ir-regolament, l-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni għandhom jibagħtu konferma tar-riċevuta ta' applikazzjoni lill-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, u għandhom jibagħtu kopja tagħha lill-awtoritajiet kompetenti l-oħra konċernati.

(6) Il-perjodi ta' żmien stabbiliti fis-subregolamenti (1), (2), (3), (4) u (5) ta' dan ir-regolament, dwar il-ħruġ tal-konferma tar-riċevuta ta' l-applikazzjoni, jistgħu jitqassru jekk l-awtoritajiet kompetenti ta' destinazzjoni u ta' transitu jkunu sodisfatti li l-applikazzjoni tkun imtliet kif xieraq.

Kunsens u rifjut.

11. (1) Mhux aktar tard minn xahrejn mid-data tal-konferma tar-riċevuta ta' applikazzjoni, l-awtoritajiet kompetenti ta' l-Istati Membri kollha konċernati għandhom jinnotifikaw lill-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, bil-kunsens tagħhom jew bil-kundizzjonijiet li huma jikkunsidraw meħtieġa sabiex jagħtu l-kunsens tagħhom, jew bir-rifjut tagħhom li jagħtu l-kunsens:

Iżda l-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni jew ta' kull Stat Membru ta' transitu jistgħu jitolbu perjodu ulterjuri ta' mhux aktar minn xahar b'żieda għall-perjodu msemmi fis-subregolament (1) ta' dan ir-regolament sabiex jgħarrfu bil-pożizzjoni tagħhom.

(2) Jekk ma' l-iskadenza tal-perjodi msemmija fis-subregolament (1) ta' dan ir-regolament, ma tkunx ġiet riċevuta ebda tweġiba mill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni u, jew l-Istati Membri ta' transitu intiżi, dawk il-pajjiżi għandhom jitqiesu li jkunu taw il-kunsens tagħhom għall-vjaġġ mitlub.

(3) Għandhom jingħataw raġunijiet mill-awtoritajiet kompetenti għal kull rifjut biex jingħata kunsens, jew għall-kundizzjonijiet annessi mal-kunsens tagħhom, li għandhom ikunu bbażati:

(a) għall-awtoritajiet kompetenti ta' l-Istat Membri ta' transitu, fuq il-leġiżlazzjoni nazzjonali, Komunitarja jew internazzjonali rilevanti li tkun tapplika għat-trasport ta' materjal radjuattiv;

(b) għall-awtoritajiet kompetenti ta' l-Istati Membru ta' destinazzjoni, fuq il-leġiżlazzjoni rilevanti li tkun tapplika għall-immaniġġar ta' l-iskart radjuattiv jew tal-kombustibbli eżawrit jew fuq il-leġiżlazzjoni nazzjonali, Komunitarja jew internazzjonali rilevanti li tkun tapplika għat-trasport ta' materjal radjuattiv:

Iżda kull kundizzjoni imposta mill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu jew ta' destinazzjoni, ma tistax tkun aktar stretta minn dawk stabbiliti għal vjaġġi simili f'dawk l-Istati Membri.

(4) L-awtoritajiet kompetenti ta' l-Istati Membri li jkunu taw kunsens għat-transitu ta' vjaġġ partikolari, ma jistgħux jirrifjutaw li jagħtu kunsens sabiex jinġarr lura fil-każijiet li ġejjin:

(a) meta l-kunsens inizjali kien jikkonċerna materjal li jkun intbagħat għal trattament jew ripproċessar, jekk il-ġarr lura jkun jikkonċerna skart radjuattiv jew prodotti oħrajn ekwivalenti għall-materjal oriġinali wara trattament jew ripproċessar, u l-liġi rilevanti kollha tkun osservata;

(b) taħt iċ-ċirkostanzi deskritti f'regolament 14 ta' dawn ir-regolamenti, jekk il-ġarr lura jitwettaq skond l-istess kundizzjonijiet u bl-istess dettalji.

Awtorizzazzjoni ta' vjaġġi.

12. (1) Jekk ikunu ngħataw il-kunsensi kollha meħtieġa għal vjaġġ, l-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandu jkollha d-dritt tawtorizza lid-detentur sabiex iwettaq il-vjaġġ u għandha tinforma lill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni jew ta' xi Stat Membru jew pajjiż terz ta' transitu kif meħtieġ.

(2) L-awtorizzazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament m'għandha bl-ebda mod tinċidi fuq ir-responsabbiltà tad-detentur, tat-trasportaturi, tas-sid, tal-kunsinnatarju jew ta' kull persuna oħra naturali jew legali involuta fil-vjaġġ.

(3) Awtorizzazzjoni waħda tista' tkopri aktar minn vjaġġ wieħed, fejn il-kundizzjonijiet stabbiliti fis-subregolament (2) ta' regolament 8 ta' dawn ir-regolamenti jiġu sodisfatti.

(4) Kull awtorizzazzjoni għandha tkun valida għal perjodu ta' mhux aktar minn tlett snin:

Iżda meta jkun qed jiġi stabbilit dan il-perjodu ta' validità, l-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha tieħu kunsiderazzjoni ta' kull kundizzjoni imposta fil-kunsens mogħti mill-Istati Membri ta' destinazzjoni jew ta' transitu.

Konferma tar-riċevuta tal-vjaġġ.

13. (1) Fi żmien ħmistax-il ġurnata mir-riċevuta ta' kull vjaġġ, il-kunsinnatarju għandu jibgħat lill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni konferma tar-riċevuta.

(2) L-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni għandhom jibgħatu kopji tal-konferma tar-riċevuta tal-vjaġġ lill-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, u lill-awtoritajiet kompetenti ta' kull Stat Membru jew pajjiż terz ta' transitu.

(3) L-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha tibgħat kopja tal-konferma tar-riċevuta tal-vjaġġ lid-detentur oriġinali.

Nuqqas ta' twettieq ta' vjaġġ.

14. (1) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, u l-awtoritajiet kompetenti ta' l-Istat Membru ta'

destinazzjoni u ta' transitu jistgħu jiddeċiedu li l-vjaġġ ma jistgħax jitwettaq jekk ma jkunux ġew osservati iżjed il-kundizzjonijiet tal-vjaġġ skond dawn ir-regolamenti, jew ma jkunux skond l-awtorizzazzjonijiet jew skond il-kunsens li jkunu ngħataw skond dawn ir-regolamenti:

Iżda Stat Membru bħal dak għandu minnufih jinforma lill-awtoritajiet kompetenti ta' l-Istati Membri l-oħra involuti fil-vjaġġ b'din id-deċiżjoni.

(2) Meta vjaġġ ma jkunx jista' jitwettaq jew jekk ma jkunx hemm konformità mal-kundizzjonijiet għall-vjaġġ skond dawn ir-regolamenti, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha tiżgura li l-iskart radjuattiv jew il-kombustibbli eżawrit in kwistjoni għandu jittieħed lura mid-detentur, sakemm ma jkunx jista' jsir arranġament sigur alternattiv:

Iżda dawn l-awtoritajiet kompetenti għandhom jiżguraw li l-persuna responsabbli għall-vjaġġ tieħu miżuri ta' sigurtà korrettiva fejn ikun meħtieġ.

(3) Id-detentur għandu jkun responsabbli għall-ispejjeż li jirriżultaw meta l-vjaġġ ma jkunx twettaq jew ma jkunx jista' jitwettaq.

PARTI IV

VJAĠĠI INTRA-KOMUNITARJI LI JGĦADDU MINN MALTA

Applikazzjoni għal awtorizzazzjoni ta' vjaġġ.

15. (1) Detentur li jippjana li jwettaq vjaġġ intra-Komunitarju ta' skart radjuattiv jew ta' kombustibbli eżawrit jew li jirranġa għat-twettieq ta' vjaġġ bħal dak għandu jippreżenta applikazzjoni mimlija kif xieraq għal awtorizzazzjoni, lill-awtoritajiet kompetenti ta' l-Istat Membru ta' oriġini.

(2) L-applikazzjoni tista' tintbagħat fir-rigward ta' aktar minn vjaġġ wieħed, sakemm:

(a) l-iskart radjuattiv jew il-kombustibbli eżawrit relatat ikollu essenzjalment l-istess karatteristiċi fiżiċi, kimiċi u radjuattivi;

(b) il-vjaġġi għandhom isiru mill-istess detentur lill-istess kunsinnatarju u għandhom jinvolvu l-istess awtoritajiet kompetenti; u

(ċ) meta vjaġġi jkunu jinvolvu transitu minn pajjiżi terzi, transitu bħal dak għandu jsir mill-istess stazzjon fil-fruntiera tad-dħul u, jew ta' ħruġ mill-Komunità u mill-istess stazzjon jew stazzjonijiet tal-fruntiera tal-pajjiż jew pajjiżi terzi konċernati, sakemm ma jkunx hemm ftehim mod ieħor bejn l-awtoritajiet kompetenti konċernati.

Trasmissjoni ta' l-applikazzjoni lill-awtoritajiet kompetenti.

16. (1) L-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandhom jibgħatu l-applikazzjoni għall-kunsens msemmija f'regolament 15 ta' dawn ir-regolamenti debitament mimlija lill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni, lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu u lill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, jekk ikun il-każ.

(2) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, għandha tieħu l-miżuri meħtieġa sabiex tiżgura li l-informazzjoni kollha dwar vjaġġi koperti b'dawn ir-regolamenti għandhom jiġu trattati bl-attenzjoni xierqa u protetti minn kull użu irregolari.

Konferma tar-riċevuta ta' l-applikazzjoni u talba għal informazzjoni.

17. (1) Fi żmien għoxrin ġurnata wara li jirċievu l-applikazzjoni, l-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, jekk ikun il-każ, għandhom jivverifikaw li l-applikazzjoni hija mimlija kif xieraq.

(2) Fil-każ li l-applikazzjoni tkun mimlija kif xieraq, l-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni għandhom jibagħtu konferma tar-riċevuta lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, u għandhom jibagħtu kopja tagħha lill-Awtorità

Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u lill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, jekk ikun il-każ, mhux aktar tard minn għaxart ijiem wara l-iskadenza tal-perjodu ta' għoxrin ġurnata stabbilit fis-subregolament (1) ta' dan ir-regolament.

(3) Jekk xi waħda mill-awtoritajiet kompetenti ta' l-Istati Membri konċernati tikkunsidra li l-applikazzjoni mhix mimlija kif xieraq, hija għandha titlob l-informazzjoni li tkun nieqsa mingħand awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini u tinforma lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu u lill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, jekk ikun il-każ, dwar talba bħal dik:

Iżda din it-talba m'għandhiex issir aktar tard mill-iskadenza tal-perjodu kif stipulat fis-subregolament (1) ta' dan ir-regolament.

(4) L-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandhom jittrasmettu l-informazzjoni mitluba lill-awtoritajiet kompetenti konċernati.

(5) Mhux aktar tard minn għaxart ijiem wara d-data li jirċievu l-informazzjoni li tkun nieqsa u mhux qabel l-iskadenza tal-perjodu ta' għoxrin ġurnata kif stabbilit fis-subregolament (1) ta' dan ir-regolament, l-awtoritajiet kompetenti ta' l-Istat Membru ta'

destinazzjoni għandhom jibagħtu konferma tar-riċevuta ta' l-applikazzjoni lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini u għandhom jibgħatu kopja lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u lill-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ.

(6) Il-perjodi ta' żmien kif stabbiliti fis-subregolamenti (1), (2), (3), (4) u (5) ta' dan ir-regolament, għall-ħruġ tal-konferma tar-riċevuta ta' applikazzjoni, jistgħu jitqassru jekk l-awtoritajiet kompetenti ta' destinazzjoni, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, jkunu sodisfatti li l-applikazzjoni tkun imtliet kif xieraq.

Kunsens u rifjut.

18. (1) Mhux aktar tard minn xahrejn mid-data tal-konferma tar-riċevuta ta' l-applikazzjoni, l-awtoritajiet kompetenti ta' destinazzjoni, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, għandhom jinnotifikaw lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, bil-kunsens tagħhom jew bil-kundizzjonijiet li huma jikkunsidraw meħtieġa sabiex jagħtu l-kunsens tagħhom, jew bir-rifjut tagħhom li jagħtu l-kunsens:

Iżda l-awtoritajiet kompetenti ta' destinazzjoni, l-Awtorità

Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, jistgħu jitolbu perjodu ulterjuri ta' mhux aktar minn xahar b'żieda għall-perjodu msemmi fis-subregolament (1) ta' dan ir-regolament sabiex jgħarrfu bil-pożizzjoni tagħhom.

(2) Jekk ma' l-iskadenza tal-perjodi msemmija fis-subregolament (1) ta' dan ir-regolament, ma tkun ġiet riċevuta ebda tweġiba mill-awtoritajiet kompetenti ta' destinazzjoni, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, dawk il-pajjiżi għandhom jitqiesu li jkunu taw il-kunsens tagħhom għall-vjaġġ mitlub.

(3) Għandhom jingħataw raġunijiet mill-awtoritajiet kompetenti għal kull rifjut għall-għoti ta' kunsens, jew għall-kundizzjonijiet marbutin mal-kunsens tagħhom, li għandhom ikunu ibbażati:

(a) għall-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, fuq il-leġiżlazzjoni nazzjonali,

Komunitarja jew internazzjonali rilevanti kif tkun tapplika għat-trasport ta' materjal radjuattiv;

(b) għall-awtoritajiet kompetenti ta' destinazzjoni, fuq il-leġiżlazzjoni rilevanti kif ikun japplika għall-immaniġġar ta' l-iskart radjuattiv jew tal-kombustibbli eżawrit jew fuq il-leġiżlazzjoni nazzjonali, Komunitarja jew internazzjonali rilevanti kif tkun tapplika għat-trasport ta' materjal radjuattiv:

Iżda kull kundizzjoni imposta mill-awtoritajiet kompetenti ta' destinazzjoni, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, ma tistax tkun aktar stretta minn dawk stabbiliti għal vjaġġi simili f'dawk l-Istati Membri.

(4) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, li tkun tagħat kunsens għat-transitu ta' vjaġġ partikolari, ma tistgħax tirrifjuta li tagħti kunsens għall-ġarr lura fil-każijiet li ġejjin:

(a) meta l-kunsens inizjali kien jikkonċerna materjal mibgħut għal għanijiet ta' trattament jew ta' ripproċessar, jekk il-ġarr lura jikkonċerna skart radjuattiv jew prodotti oħrajn ekwivalenti għall-

materjal oriġinali wara trattament jew wara r-ripproċessar, u l-liġi rilevanti kollha tkun osservata; u

(b) taħt iċ-ċirkostanzi deskritti f'regolament 21 ta' dawn ir-regolamenti, jekk il-ġarr lura jitwettaq skond l-istess kundizzjonijiet u bl-istess dettalji.

Awtorizzazzjoni ta' vjaġġi.

19. (1) Jekk ikunu ngħataw il-kunsensi kollha meħtieġa għal vjaġġ, l-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandu jkollhom d-dritt jawtorizzaw lid-detentur sabiex iwettaq il-vjaġġ u għandhom jinformaw lill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jekk ikun il-każ, kif meħtieġ.

(2) L-awtorizzazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament m'għandha bl-ebda mod tinċidi fuq ir-responsabbiltà tad-detentur, tat-trasportaturi, tas-sid, tal-kunsinnatarju jew ta' kull persuna oħra naturali jew legali involuta fil-vjaġġ.

(3) Awtorizzazzjoni waħda tista' tkopri aktar minn vjaġġ wieħed, fejn il-kundizzjonijiet stabbiliti fis-subregolament (2) tar-regolament 15 ta' dawn ir-regolamenti jiġu sodisfatti.

(4) Kull awtorizzazzjoni għandha tkun valida għal perjodu ta' mhux aktar minn tlett snin:

Iżda meta jkun qed jiġi stabbilit dan il-perjodu ta' validità, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, għandha tikkunsidra kull kundizzjoni imposta fil-kunsens mogħti mill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni u awtoritajiet kompetenti ta' l-Istat Membru ta' transitu, jekk ikun il-każ.

Konferma tar-riċevuta tal-vjaġġ.

20. (1) Fi żmien ħmistax-il jum mir-riċevuta ta' kull vjaġġ, il-kunsinnatarju għandu jibgħat konferma tar-riċevuta lill-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni.

(2) L-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni għandhom jibgħatu kopji tal-konferma tar-riċevuta lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u lill-awtoritajiet kompetenti ta' kull Stat Membru jew ta' pajjiż terz ta' transitu, jekk ikun il-każ.

(3) L-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, għandhom jibgħatu kopja tal-konferma tar-riċevuta tal-vjaġġ lid-detentur oriġinali.

Nuqqas ta' twettiq ta' vjaġġ.

21. (1) L-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, l-awtoritajiet kompetenti ta' l-Istat Membru ta' destinazzjoni, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, u awtoritajiet kompetenti ta' l-Istat Membru ta' transitu, jekk ikun il-każ, jistgħu jiddeċiedu li l-vjaġġ ma jistgħax jitwettaq jekk ma ġewx osservati l-kundizzjonijiet tal-vjaġġ skond dawn ir-regolamenti, jew ma jkunux skond l-awtorizzazzjonijiet u skond il-kunsensi mogħtija skond dawn ir-regolamenti:

Iżda Stat Membru bħal dak għandu minnufih jinforma lill-awtoritajiet kompetenti ta' l-Istati Membri l-oħra involuti fil-vjaġġ b'din id-deċiżjoni.

(2) Meta vjaġġ ma jkunx jista' jitwettaq jew ma jkunx hemm konformità mal-kundizzjonijiet għall-vjaġġ skond dawn ir-regolamenti, l-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandhom jiżguraw li l-iskart radjuattiv jew il-kombustibbli eżawrit in kwistjoni jittieħed lura mid-detentur, sakemm ma jkunx jista' jsir arranġament sigur alternattiv :

Iżda dawn l-awtoritajiet kompetenti għandhom jiżguraw li l-persuna responsabbli għall-vjaġġ għandha tieħu miżuri korrettivi ta' sigurtà kif meħtieġ.

(3) Id-detentur għandu jkun responsabbli għall-ispejjeż li jirriżultaw fejn il-vjaġġ ma kunx jista' jitwettaq.

PARTI V

VJAĠĠI INTRA-KOMUNITARJI DESTINATI LEJN MALTA

Applikazzjoni għal awtorizzazzjoni ta' vjeġġ.

22. (1) Detentur li jippjana li jwettaq vjaġġ intra-Komunitarju ta' skart radjuattiv jew ta' kombustibbli eżawrit jew li jirranġa għat-twettiq ta' vjaġġ bħal dak għandu jippreżenta applikazzjoni mimlija kif xieraq għal awtorizzazzjoni, lill-awtoritajiet kompetenti ta' l-Istat Membru ta' oriġini.

(2) L-applikazzjoni tista' tintbagħat fir-rigward ta' aktar minn vjaġġ wieħed, sakemm:

(a) l-iskart radjuattiv jew il-kombustibbli eżawrit relatat ikollu essenzjalment l-istess karatteristiċi fiżiċi, kimiċi u radjuattivi; u

(b) il-vjaġġi għandhom isiru mill-istess detentur lill-istess kunsinnatarju u għandhom jinvolvu lill-istess awtoritajiet kompetenti; u

(ċ) meta vjaġġi jkunu jinvolvu transitu minn pajjiżi terzi, transitu bħal dak għandu jsir mill-istess stazzjon fil-fruntiera tad-dħul u, jew ta' ħruġ mill-Komunità u mill-istess stazzjon jew stazzjonijiet tal-fruntiera tal-pajjiż jew pajjiżi terzi

konċernati, sakemm ma jkunx miftiehem mod ieħor bejn l-awtoritajiet kompetenti konċernati.

Trasmissjoni ta' l-applikazzjoni lill-awtoritajiet kompetenti.

23. (1) L-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandhom jibgħatu l-applikazzjoni għall-kunsens msemmija fir-regolament 22 ta' dawn ir-regolamenti debitament mimlija, lill-Awtrorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni u lill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, jekk ikun il-każ.

(2) L-Awtrorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, għandha tieħu l-miżuri meħtieġa sabiex tiżgura li l-informazzjoni kollha dwar vjaġġi koperti b'dawn ir-regolamenti jiġu trattati bl-attenzjoni xierqa u għandhom ikunu protetti minn kull użu irregolari.

Konferma tar-riċevuta ta' l-applikazzjoni u talba għal informazzjoni.

24. (1) Fi żmien għoxrin ġurnata wara li jirċievu l-applikazzjoni, l-Awtrorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, u l-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, jekk ikun il-każ, għandhom jivverifikaw li l-applikazzjoni hija mimlija kif xieraq.

(2) Fil-każ li l-applikazzjoni tkun mimlija kif xieraq, l-Awtrorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta'

destinazzjoni għandha tibgħat konferma tar-riċevuta lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, u għandha tibgħat kopja tagħha lill-awtoritajiet kompetenti konċernati, mhux aktar tard minn għaxart ijiem wara l-iskadenza tal-perjodu ta' għoxrin jum stabbilit fis-subregolament (1) ta' dan ir-regolament.

(3) Jekk xi waħda mill-awtoritajiet kompetenti ta' l-Istati Membri konċernati tikkunsidra li l-applikazzjoni mhix mimlija kif xieraq, hija għandha titlob l-informazzjoni li tkun nieqsa mill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini u għandha tinforma lill-awtoritajiet kompetenti l-oħra dwar talba bħal dik:

Iżda din it-talba m'għandhiex issir aktar tard mill-iskadenza tal-perjodu stipulat fis-subregolament (1) ta' dan ir-regolament.

(4) L-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandhom jgħaddu l-informazzjoni mitluba lill-awtoritajiet kompetenti konċernati.

(5) Mhux aktar tard minn għaxart ijiem wara d-data li jirċievu l-informazzjoni li tkun nieqsa u wara l-iskadenza tal-perjodu ta' għoxrin ġurnata stabbilit fis-subregolament (1) ta' dan ir-regolament, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, għandha tibgħat konferma tar-riċevuta ta' l-applikazzjoni

lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini u għandha tibgħat kopja lill-awtoritajiet kompetenti konċernati.

(6) Il-perjodi ta' żmien stabbiliti fis-subregolamenti (1), (2), (3), (4) u (5) ta' dan ir-regolament, dwar il-ħruġ tal-konferma tar-riċevuta ta' applikazzjoni, jkunu jistgħu jitqassru jekk l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, u l-awtoritajiet kompetenti ta' transitu, jkunu sodisfatti li l-applikazzjoni tkun imtliet kif xieraq.

Kunsens u rifjut.

25. (1) Mhux aktar tard minn xahrejn mid-data tal-konferma tar-riċevuta ta' applikazzjoni, l-awtoritajiet kompetenti ta' l-Istati Membri kollha li jkunu konċernati, għandhom jinnotifikaw lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, bil-kunsens tagħhom jew bil-kundizzjonijiet li huma jikkunsidraw li jkunu meħtieġa sabiex jagħtu l-kunsens tagħhom, jew bir-rifjut tagħhom li jagħtu l-kunsens:

Iżda l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri ta' transitu, jistgħu jitolbu perjodu ulterjuri ta' mhux aktar minn xahar b'żieda għall-perjodu msemmi fis-subregolament (1) ta' dan ir-regolament sabiex jgħarrfu bil-pożizzjoni tagħhom.

(2) Jekk ma' l-iskadenza tal-perjodi msemmija fis-

subregolament (1) ta' dan ir-regolament, ma tkunx ġiet riċevuta ebda tweġiba mill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni u, jew mill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu li jkunu intiżi, dawk il-pajjiżi għandhom jitqiesu li jkunu taw il-kunsens tagħhom għall-vjaġġ mitlub.

(3) Għandhom jingħataw raġunijiet mill-awtoritajiet kompetenti għal kull rifjut sabiex jingħata kunsens, jew għall-kundizzjonijiet marbutin mal-kunsens tagħhom, li għandhom ikunu bbażati:

(a) għall-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, fuq il-leġiżlazzjoni nazzjonali, Komunitarja jew internazzjonali rilevanti li tkun tapplika għat-trasport ta' materjal radjuattiv;

(b) għall-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, fuq il-leġiżlazzjoni rilevanti li tkun tapplika għall-immaniġġar ta' l-iskart radjuattiv jew tal-kombustibbli eżawrit jew fuq il-leġiżlazzjoni nazzjonali, Komunitarja jew internazzjonali rilevanti li tkun tapplika għat-trasport ta' materjal radjuattiv:

Iżda kull kundizzjoni imposta mill-awtoritajiet kompetenti ta' l-

istati Membri ta' transitu jew mill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, ma tistax tkun aktar stretta minn dawk stabbiliti għal vjaġġi simili f'dawk l-Istati Membri.

(4) L-awtoritajiet kompetenti ta' l-Istati Membri jew Stati ta' transitu, li jkunu taw kunsens għat-transitu ta' vjaġġ partikolari ma jistgħux jirrifjutaw li jagħtu kunsens għall-ġarr lura fil-każijiet li ġejjin:

(a) meta l-kunsens inizjali kien jikkonċerna materjal mibgħut għal għanijiet ta' trattament jew ta' ripproċessar, jekk il-ġarr lura jkun jikkonċerna skart radjuattiv jew prodotti oħrajn ekwivalenti għall-materjal oriġinali wara trattament jew wara ripproċessar, u l-liġi rilevanti kollha tkun osservata;

(b) taħt iċ-ċirkostanzi deskritti fir-regolament 28 ta' dawn ir-regolamenti, jekk il-ġarr lura jitwettaq skond l-istess kundizzjonijiet u bl-istess dettalji.

Awtorizzazzjoni ta' vjaġġi.

26. (1) Jekk ikunu ngħataw il-kunsensi kollha meħtieġa għal vjaġġ, l-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandhom ikollhom id-dritt jawtorizzaw lid-detentur sabiex iwettaq il-vjaġġ u għandhom jinformaw lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, u l-awtoritajiet kompetenti l-oħra ta' l-Istati Membri jew pajjiżi terzi ta' transitu, kif meħtieġ.

(2) L-awtorizzazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament m'għandha bl-ebda mod tinċidi fuq ir-responsabbiltà tad-detentur, tat-trasportaturi, tas-sid, tal-kunsinnatarju jew ta' kull persuna oħra naturali jew legali li tkun involuta fil-vjaġġ.

(3) Awtorizzazzjoni waħda tista' tkopri aktar minn vjaġġ wieħed, fejn il-kundizzjonijiet stabbiliti fis-subregolament (2) tar-regolament 22 ta' dawn ir-regolamenti jkunu sodisfatti.

(4) Kull awtorizzazzjoni għandha tkun valida għal perjodu ta' mhux aktar minn tlett snin:

Iżda meta jkun qed jiġi stabbilit dan il-perjodu ta' validità, l-Awtorità Kompetenti għandha tikkunsidra kull kundizzjoni imposta fil-kunsens li jkun ingħata mill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni jew mill-awtoritajiet kompetenti ta' l-Istat Membru ta' transitu.

Konferma tar-riċevuta tal-vjaġġ.

27. (1) Fi żmien ħmistax-il ġurnata mir-riċevuta ta' kull vjaġġ, il-kunsinnatarju għandu jibgħat lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, il-konferma tar-riċevuta.

(2) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat

Membru ta' destinazzjoni, għandha tibgħat kopji tal-konferma tar-riċevuta lill-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini u lill-awtoritajiet kompetenti ta' kull Stat Membru jew pajjiż terz ta' transitu.

(3) L-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini, għandhom jibgħatu kopja tal-konferma tar-riċevuta tal-vjaġġ lid-detentur oriġinali.

Nuqqas ta' twettiq ta' vjaġġ.

28. (1) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni u l-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini jew ta' transitu, jistgħu jiddeċiedu li l-vjaġġ ma jkunx jista' jsir jekk ma jkunux ġew osservati l-kundizzjonijiet tal-vjaġġ skond dawn ir-regolamenti, jew ma jkunux skond l-awtorizzazzjonijiet u skond il-kunsensi li jkunu ngħataw skond dawn ir-regolamenti:

Iżda Stat Membru bħal dak għandu minnufih jinforma lill-awtoritajiet kompetenti ta' l-Istati Membri l-oħra li jkunu involuti fil-vjaġġ b'din id-deċiżjoni.

(2) Meta vjaġġ ma jkunx jista' jsir jew jekk ma jkunx hemm konformità mal-kundizzjonijiet għall-vjaġġ skond dawn ir-regolamenti, l-awtoritajiet kompetenti ta' l-Istat Membru ta' l-oriġini għandhom jiżguraw li l-iskart radjuattiv jew il-kombustibbli eżawrit in kwistjoni

jittieħed lura mid-detentur, sakemm ma jkunx jista' jsir xi arranġament sigur alternattiv :

Iżda dawn l-awtoritajiet kompetenti għandhom jiżguraw li l-persuna responsabbli għall-vjaġġ tieħu miżuri korrettivi ta' sigurtà fejn meħtieġ.

(3) Id-detentur għandu jkun responsabbli għall-ispejjeż li jirriżultaw meta il-vjaġġ ma jkunx jista' jsir.

PARTI VI

VJAĠĠI EXTRA-KOMUNITARJI LI JORIĠINAW MINN MALTA

Esportazzjoni 'l barra minn Malta.

29. (1) Fejn skart radjuattiv jew kombustibbli eżawrit ikun se jiġi esportat minn Malta lejn pajjiż terz, id-detentur għandu jippreżenta applikazzjoni għall-awtorizzazzjoni lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini:

Iżda l-applikazzjoni tista' tintbagħat fir-rigward ta' aktar minn vjaġġ wieħed, taħt il-kundizzjonijiet stabbiliti fis-subregolament (2) tar-regolament 8 ta' dawn ir-regolamenti.

(2) L-Awtrorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha:

(a) tavża lill-awtoritajiet kompetenti tal-pajjiż ta' destinazzjoni bil-vjaġġ maħsub u għandha titlob il-kunsens tagħhom; u

(b) tibgħat l-applikazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament għall-kunsens lill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu kif ikun il-każ:

Iżda regolament 10 ta' dawn ir-regolamenti għandu japplika.

(3) Jekk ikunu ngħataw il-kunsensi kollha meħtieġa għal vjaġġ, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini għandu jkollha d-dritt tawtorizza lid-detentur sabiex iwettaq il-vjaġġ u għandha tinforma lill-awtoritajiet kompetenti tal-pajjiż terz ta' destinazzjoni jew ta' kull Stat Membru jew pajjiż terz ta' transitu, kif meħtieġ:

Iżda s-subregolamenti (2), (3) u (4) ta' regolament 12 ta' dawn ir-regolamenti għandhom japplikaw.

(4) Id-detentur għandu javża lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, li l-iskart radjuattiv jew il-kombustibbli eżawrit wasal fid-destinazzjoni tiegħu fil-pajjiż terz fi żmien ħmistax-il ġurnata mid-data li jkun wasal u għandu jindika l-aħħar stazzjon doganali fil-Komunità minn fejn ikun għadda l-vjaġġ:

Iżda in-notifika għandha tkun isssostanzjata b'dikjarazzjoni jew b'ċertifikat mill-kunsinnatarju fejn dan għandu jiddikjara li l-iskart radjuattiv jew il-kombustibbli eżawrit ikun wasal fid-destinazzjoni propja u għandu jindika l-istazzjon doganali tad-dħul fil-pajjiż terz.

(5) L-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, jew l-awtoritajiet kompetenti ta' kull Stat Membru ta' transitu jistgħu jiddeċiedu li l-vjaġġ ma jkunx jista' jsir jekk ma

jkunux ġew osservati l-kundizzjonijiet tal-vjaġġ skond dawn ir-regolamenti, jew ma jkunux skond l-awtorizzazzjonijiet u skond il-kunsensi li jkunu ngħataw skond dawn ir-regolamenti:

Iżda awtoritajiet kompetenti ta' Stat Membru ta' transitu bħal dawk għandhom minnufih javżaw lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, b'din id-deċiżjoni:

Iżda wkoll għandhom ikunu japplikaw is-subregolamenti (2) u (3) ta' regolament 14 ta' dawn ir-regolamenti.

Esportazzjonijiet projbiti.

30. (1) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, m'għandhiex tawtorizza vjaġġi:

(a) destinati lejn in-nofsinhar, latitudni 60°; jew

(b) lejn Stat li huwa parti mill-Ftehim ta' Sħubija bejn il-membri tal-Grupp ta' Stati Afrikani, tal-Karibew u tal-Paċifiku minn naħa, u l-Komunità Ewropea u l-Istati Membri tagħha minn naħa l-oħra, (Ftehim Cotonou ACP-EC) li ma jkunx Stat Membru, mingħajr preġudizzju għas-subregolamenti (3) u (4) ta' regolament 4 ta' dawn ir-regolamenti, jew

(ċ) lejn pajjiż terz, li fl-opinjoni ta' l-Awtorità Kompetenti

bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, skond il-kriterji msemmija fis-subregolament (1)(b) ta' dan ir-regolament, m'għandux l-kapaċità amministrattiva u teknika u struttura regolatorja sabiex jimmaniġġa skart radjuattiv jew kombustibbli eżawrit b'mod sigur, kif hemm miktub fil-Konvenzjoni Konġunta:

Iżda l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' l-oriġini, għandha tikkunsidra kull informazzjoni relevanti mill-awtoritajiet kompetenti ta' Stati membri oħra, biex tifforma opinjoni dwar dan.

PARTI VII

VJAĠĠI EXTRA-KOMUNITARJI LI JGĦADDU MINN MALTA

Transitu mill-Komunità fejn Malta hija l-ewwel Stat Membru ta' transitu.

31. (1) Meta skart radjuattiv jew kombustibbli eżawrit jkun se jidħol fil-Komunità minn pajjiż terz u l-pajjiż ta' destinazzjoni m'huwiex Stat Membru, il-persuna naturali jew legali li jkollha r-responsabbilita` tal-maniġġar tal-vjaġġ f'Malta, mil-liema stazzjon doganali se jieħol l-ewwel fil-Komunità l-iskart radjuattiv jew kombustibbli eżawrit, għandha tippreżenta applikazzjoni għall-awtorizzazzjoni lill-Awtorità Kompetenti, bħala awtorità kompetenti ta' l-ewwel Stat Membru ta' transitu:

Iżda l-applikazzjoni tista' tintbagħat fir-rigward ta' aktar minn vjaġġ wieħed, taħt il-kundizzjonijiet stabbiliti fis-subregolament (2) tar-regolament 15 ta' dawn ir-regolamenti:

Iżda wkoll l-applikazzjoni għandha tinkludi xhieda li l-kunsinnatarju stabbilit fil-pajjiż terz ikun għamel arranġamenti mad-detentur stabbilit fil-pajjiż terz, u għandu jkun aċċettat mill-awtoritajiet kompetenti ta' dak il-pajjiż terz, li jobbliga lid-detentur jieħu lura l-iskart radjuattiv jew il-kombustibbli eżawrit meta vjaġġ ma jkunx jista' jsir skond dawn ir-regolamenti, kif hemm fis-subregolament (5) ta' dan ir-regolament.

(2) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' transitu, għandha tibgħat l-applikazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament għall-kunsens lill-awtoritajiet kompetenti ta' l-Istati Membri l-oħra ta' transitu, jekk ikun il-każ:

Iżda għandhom japplikaw ir-regolamenti 17 u 18 ta' dawn ir-regolamenti.

(3) Jekk ikunu ngħataw il-kunsensi kollha meħtieġa għal vjaġġ, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-ewwel Stat Membru ta' transitu, għandu jkollha d-dritt tawtorizza lill-persuna responsabbli msemmija fis-subregolament (1) ta' dan ir-regolament, sabiex twettaq il-vjaġġ u għandha tinforma lill-awtoritajiet kompetenti ta' kull Stat Membru ieħor jew ta' pajjiż terz ta' transitu jew ta' l-oriġini, kif meħtieġ:

Iżda għandhom japplikaw is-subregolamenti (2), (3) u (4) ta' regolament 19 ta' dawn ir-regolamenti.

(4) Il-persuna responsabbli msemmija fis-subregolament (1) ta' dan ir-regolament għandha tavża lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-ewwel Stat Membru ta' transitu, li skart radjuattiv jew kombustibbli eżawrit ikun wasal fid-destinazzjoni tiegħu fil-pajjiż terz fi żmien ħmistax-il jum mid-data li jkun wasal u għandha

tindika l-aħħar stazzjon doganali fil-Komunità minn fejn ikun għadda l-vjaġġ:

Iżda in-notifika għandha tkun sostanzjata b'dikjarazzjoni jew b'ċertifikat mill-kunsinnatarju fejn ikun iddikjara li l-iskart radjuattiv jew il-kombustibbli eżawrit wasal fid-destinazzjoni propja u għandha tindika l-istazzjon doganali tad-dħul fil-pajjiż terz.

(5) L-awtoritajiet kompetenti ta' Stat Membru ta' transitu jistgħu jiddeċiedu li l-vjaġġ ma jkunx jista' jsir jekk ma jkunux ġew osservati l-kundizzjonijiet tal-vjaġġ skond dawn ir-regolamenti, jew ma jkunux skond l-awtorizzazzjonijiet u skond il-kunsensi li jkunu ngħataw skond dawn ir-regolamenti:

Iżda Stat Membru bħal dak għandu minnufih javża lill-awtoritajiet kompetenti tal-pajjiż ta' l-oriġini, b'din id-deċiżjoni:

Iżda wkoll il-persuna responsabbli msemmija fis-subregolament (1) ta' dawn ir-regolament għandha tibqa' tinżamm responsabbli għall-ispejjeż li jirriżultaw f'każi fejn il-vjaġġ ma jkunx jista' jsir.

Transitu mill-Komunità fejn Malta ma tkunx l-ewwel Stat Membru ta' transitu.

32. (1) Meta skart radjuattiv jew kombustibbli eżawrit jkun se jidħol fil-Komunità minn pajjiż terz u l-pajjiż ta' destinazzjoni ma jkunx Stat Membru, il-persuna naturali jew legali li tkun responsabbli mill-

maniġġar tal-vjaġġ fl-Istat Membru, mil-liema stazzjon doganali se jidħol l-ewwel fil-Komunità l-iskart radjuattiv jew il-kombustibbli eżawrit (l-ewwel Stat Membru ta' transitu), għandha tippreżenta applikazzjoni għall-awtorizzazzjoni lill-awtoritajiet kompetenti ta' dak l-Istat Membru:

Iżda l-applikazzjoni tista' tintbagħat fir-rigward ta' aktar minn vjaġġ wieħed, taħt il-kundizzjonijiet stabbiliti fis-subregolament (2) tar-regolament 15 ta' dawn ir-regolamenti:

Iżda wkoll l-applikazzjoni għandha tinkludi xhieda li l-kunsinnatarju stabbilit fil-pajjiż terz ikun għamel arranġamenti mad-detentur stabbilit fil-pajjiż terz, u għandu jkun aċċettat mill-awtoritajiet kompetenti ta' dak il-pajjiż terz, li jobbliga lid-detentur jieħu lura l-iskart radjuattiv jew il-kombustibbli eżawrit meta vjaġġ ma jkunx jista' jsir skond dawn ir-regolamenti, kif previst fis-subregolament (5) ta' dan ir-regolament.

(2) L-awtoritajiet kompetenti ta' l-ewwel Stat Membru ta' transitu, għandhom jibgħatu l-applikazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament għall-kunsens lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-ewwel Stat Membru ta' transitu u lill-awtoritajiet kompetenti ta' l-Istati Membri l-oħra ta' transitu, jekk ikun il-każ:

Iżda għandhom japplikaw regolamenti 17 u 18 ta' dawn ir-regolamenti.

(3) Jekk ikunu ngħataw il-kunsensi kollha meħtieġa għal vjaġġ, l-awtoritajiet kompetenti ta' l-ewwel Stat Membru ta' transitu, għandu jkollhom d-dritt jawtorizzaw lil persuna responsabbli msemmija fis-subregolament (1) ta' dan ir-regolament, sabiex twettaq il-vjaġġ u għandhom javżaw lill-Awtorità Kompetenti bħala awtorità kompetenti ta' Stat Membru ta' transitu, lill-awtoritajiet kompetenti ta' kull Stat Membru ieħor jew pajjiż terz ta' transitu jew ta' l-oriġini, kif meħtieġ:

Iżda għandhom japplikaw is-subregolamenti (2), (3) u (4) ta' regolament 19 ta' dawn ir-regolamenti.

(4) Il-persuna responsabbli msemmija fis-subregolament (1) ta' dan ir-regolament għandha tavża lill-awtoritajiet kompetenti ta' l-ewwel Stat Membru ta' transitu, li skart radjuattiv jew kombustibbli eżawrit ikun wasal fid-destinazzjoni tiegħu fil-pajjiż terz fi żmien ħmistax-il ġurnata mid-data li jkun wasal u għandha tindika l-aħħar stazzjon doganali fil-Komunità minn fejn ikun għadda l-vjaġġ:

Iżda in-notifika għandha tkun issostanzjata b'dikjarazzjoni jew b'ċertifikat mill-kunsinnatarju fejn jiddikjara li l-iskart radjuattiv jew il-kombustibbli eżawrit ikun wasal fid-destinazzjoni proprja u jkun jindika l-istazzjon doganali tad-dħul fil-pajjiż terz.

(5) L-Awtorità Kompetenti bħala awtorità kompetenti ta' Stat Membru ta' transitu u l-awtoritajiet kompetenti ta' l-Istati membri l-oħra ta' transitu, jekk ikun l-każ, ikunu jistgħu jiddeċiedu li l-vjaġġ ma jkunx jista' jsir jekk ma jkunux ġew osservati l-kundizzjonijiet tal-vjaġġ skond dawn ir-regolamenti, jew ma jkunux skond l-awtorizzazzjonijiet jew skond il-kunsensi li jkunu ngħataw skond dawn ir-regolamenti:

Iżda Stat Membru bħal dak għandu minnufih javża lill-awtoritajiet kompetenti tal-pajjiż ta' l-oriġini, b'din id-deċiżjoni:

Iżda wkoll il-persuna responsabbli msemmija fis-subregolament (1) ta' dawn ir-regolament għandha tinżamm responsabbli għall-ispejjeż li jirriżultaw f'każi meta il-vjaġġ ma jkunx jista' jsir.

PARTI VIII

VJAĠĠI EXTRA-KOMUNITARJI DESTINATI LEJN MALTA

Importazzjoni lejn Malta.

33. (1) Meta skart radjuattiv jew kombustibbli eżawrit skond dawn ir-regolamenti jkun se jidħol fil-Komunità minn pajjiż terz u l-pajjiż ta' destinazzjoni tkun Malta, il-kunsinnatarju għandu jippreżenta applikazzjoni għall-awtorizzazzjoni lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-ewwel Stat Membru ta' destinazzjoni:

Iżda l-applikazzjoni tista' tintbagħat fir-rigward ta' aktar minn vjaġġ wieħed, taħt il-kundizzjonijiet stabbiliti fis-subregolament (2) tar-regolament 22 ta' dawn ir-regolamenti:

Iżda wkoll l-applikazzjoni għandha tinkludi xhieda li l-kunsinnatarju ikun għamel arranġamenti mad-detentur stabbilit fil-pajjiż terz, u għandu jkun aċċettat mill-awtoritajiet kompetenti ta' dak il-pajjiż terz, li jobbliga lid-detentur jieħu lura l-iskart radjuattiv jew il-kombustibbli eżawrit meta vjaġġ ma jkunx jista' jsir skond dawn ir-regolamenti, kif previst fis-subregolament (5) ta' dan ir-regolament.

(2) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, għandha tibgħat l-applikazzjoni msemmija fis-subregolament (1) ta' dan ir-regolament għall-kunsens lill-awtoritajiet kompetenti ta' l-Istati Membri ta' transitu, jekk ikun il-każ:

Iżda regolamenti 24 u 25 ta' dawn ir-regolamenti għandhom ikunu japplikaw.

(3) Jekk ikunu ngħataw il-kunsensi kollha meħtieġa għal vjaġġ, l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, għandu jkollha d-dritt tawtorizza lil kunsinnatarju sabiex twettaq il-vjaġġ u għandha tavża lill-awtoritajiet kompetenti ta' kull Stat Membru jew pajjiż terz ta' transitu jew ta' l-oriġini, kif meħtieġ:

Iżda s-subregolamenti (2), (3) u (4) ta' regolament 26 ta' dawn ir-regolamenti għandhom ikunu japplikaw.

(4) Fi żmien ħmistax-il ġurnata mir-riċevuta tal-vjaġġ, il-kunsinnatarju għandu jibgħat lill-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, konferma tar-riċevuta ta' kull vjaġġ:

Iżda l-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, għandha tibgħat kopji tal-konferma tar-riċevuta lill-pajjiż ta' l-oriġini u lil kull Stat Membru jew pajjiż terz ta' transitu.

(5) L-Awtorità Kompetenti bħala awtorità kompetenti ta' l-Istat Membru ta' destinazzjoni, jew l-awtoritajiet kompetenti ta' kull Stat

Membru ta' transitu jistgħu jiddeċiedu li l-vjaġġ ma jkunx jista' jsir jekk ma jkunux ġew osservati l-kundizzjonijiet tal-vjaġġ skond dawn ir-regolamenti, jew jekk ma jkunux skond l-awtorizzazzjonijiet u skond il-kunsensi li jkunu ngħataw skond dawn ir-regolamenti:

Iżda Stat Membru bħal dak għandu minnufih javża lill-awtoritajiet kompetenti tal-pajjiż ta' l-oriġini, b'din id-deċiżjoni.

(6) Il-kunsinnatarju għandu jinżamm responsabbli għall-ispejjeż li jirriżultaw f'każi meta il-vjaġġ ma jkunx jista' jsir.

PARTI IX

INFURZAR

Reati kontra dawn ir-regolamenti.

34. Kull persuna għandha tinsab ħatja ta' reat kontra dawn ir-regolamenti jekk:

(a) tonqos milli tikkonforma ruħha ma' xi dispożizzjoni ta' dawn ir-regolamenti, jew tonqos milli tikkonforma ruħha mal-kundizzjonijiet tal-permess jew ma' xi ordni oħra li tkun ingħatat leġittimament skond xi dispożizzjoni ta' dawn ir-regolamenti; jew

(b) tikser xi restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt dawn ir-regolamenti; jew

(ċ) taġixxi bi ksur ta' xi dispożizzjoni ta' dawn ir-regolamenti; jew

(d) tikkonfoffa, tittanta, tgħin jew tħajjar lil xi ħadd ieħor b'liema mezz ikun, inkluż ir-reklamar, l-għoti ta' pariri jew ta' flus biex jinkisru id-dispożizzjonijiet ta' dawn ir-regolamenti, jew biex tonqos milli tikkonforma ruħha ma' xi dispożizzjoni bħal dawk (inkluż kull ordni leġittimament mogħtija skond xi dispożizzjoni ta' dawn ir-regolamenti) jew biex tikser kull restrizzjoni, projbizzjoni jew ħtieġa imposta minn jew taħt dawk ir-regolamenti.

Penali.

35. Kull persuna li tagħmel reat taħt dawn ir-regolamenti, tista', meta tinsab ħatja, teħel:

(a) jekk għall-ewwel darba, multa ta' mhux anqas minn elf u mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (€1,164.69) iżda mhux iżjed minn elfejn u tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (€2,329.37);

(b) jekk għat-tieni darba jew iżjed drabi, multa ta' mhux anqas minn elfejn u tliet mija u disgħa u għoxrin euro u sebgħa u tletin ċenteżmu (€2,329.37), iżda mhux iżjed minn erbat elef u sitt mija u tmienja u ħamsin euro u ħamsa u sebgħin ċenteżmu (€4,658.75) jew għall-priġunerija għal żmien mhux iżjed minn sentejn, jew għal dik il-multa u priġunerija flimkien:

Iżda meta xi persuna tinsab ħatja ta' reat taħt dawn ir-regolamenti permezz ta' vettura, is-sid ta' dik il-vettura, fejn ikun japplika, għandu jinżamm responsabbli bl-istess mod u grad:

Iżda wkoll il-qorti tista' tordna lil kull min ikun insab ħati li jkun għamel reat kontra dawn ir-regolamenti li jħallas dawk l-ispejjeż u li l-Awtorità Kompetenti msemmija f'dawn ir-regolamenti għandha tkun għamlet bħala riżultat ta' dak ir-reat, ir-revoka tal-permess maħruġ

mill-Awtorità Kompetenti u l-konfiska tal-*corpus delicti*, inkluż il-vettura, jekk ikun japplika.

Applikabilità tal-Kodiċi Kriminali. Kap. 9.

36. (1) Id-dispożizzjonijiet ta' l-artikoli 23 u 30 tal-Kodiċi Kriminali għandhom, *mutatis mutandis*, ikunu japplikaw għal proċedimenti dwar reati kontra dawn ir-regolamenti, b'dan illi l-iskwalifika li persuna jkollha jew tkun tikseb liċenza, permess jew awtorità ma għandha f'ebda każ tkun għal żmien ta' inqas minn sena.

(2) Minkejja d-dispożizzjonijiet ta' l-artikolu 370 tal-Kodiċi Kriminali, il-proċedimenti dwar reat kontra dawn ir-regolamenti għandhom isiru quddiem il-Qorti tal-Maġistrati (Malta) jew quddiem il-Qorti tal-Maġistrati (Għawdex), skond ma jkun il-każ, u għandhom ikunu skond id-dispożizzjonijiet tal-Kodiċi Kriminali li jirregolaw il-proċedura quddiem dawk il-qrati bħala qrati ta' ġudikatura kriminali.

(3) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell quddiem il-Qorti ta' Appell Kriminali minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) dwar proċedimenti għal xi reat kontra dawn ir-regolamenti.

Jirrevoka A.L. 338 ta' l-2001.

37. Ir-Regolamenti ta' l-2001 dwar is-Sorveljanza u l-Kontroll ta' Vjaġġi bi Skart Radjuattiv qegħdin b'dawn jiġu mħassra.

Skeda 1

(Regolament 5)

Registration No: _____
(To be completed by the competent authority responsible for issuing the shipments authorisation.)

SECTION A-1

APPLICATION FOR AUTHORISATION OF SHIPMENT(S) OF RADIOACTIVE WASTE

(1)	**Type of shipment** *(tick the appropriate box):* □ **Type MM:** Shipment between Member States *(via one or more Member States or third countries)* □ **Type IM:** Import into the Community □ **Type ME:** Export out of the Community □ **Type TT:** Transit through the Community
(2)	**Application for authorisation for** *(tick the appropriate box*): □ a single shipment_____ Planned period of execution:_____ □ several shipments: number *(planned)***:**_____ Planned period of execution:_____
(3)	**□ not applicable.** □ Type MM **shipment(s) via** one or more **third countries**: Frontier post of exit from the Community*:_____ Frontier post of entry to third country* *(first country crossed):*_____ Frontier post of exit from third country* *(last country crossed):*_____ Frontier post of return to the Community*:_____ *(*)These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.*
(4)	**Applicant** *(trade name):*_____ □ Holder (for Types MM, ME),____ □ Consignee (for Type IM), ___□ Other (for Type TT), to be specified: _____ Address:_____ Post code_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(5)	**Location** of the radioactive waste before shipment *(trade name):*_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(6)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax: _____ E-Mail:_____ Contact person: Mr/Ms_____
(7)	**Location** of radioactive waste after shipment:_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms:_____
(8)	**Nature of radioactive waste:**_____ Physicochemical characteristics *(tick as appropriate):* □ solid, □ liquid, □ gaseous, □ other (e.g. fissile, low dispersible,…), to be specified:_____ Main radionuclides**:**_____ Maximum alpha activity per shipment (GBq):_____ per package (GBq):_____ Maximum beta/gamma activity per shipment (GBq):_____ per package (GBq):_____ Total alpha activity (GBq):_____Total beta/gamma activity (GBq):_____ *(These values are estimates if the application relates to several shipments)*

(9)	Total number of packages:_____ Total net mass of shipment (kg):_____Total gross mass of shipment (kg):_____ *(These values are estimates if the application relates to several shipments)* Description of consignment :□ Plastic bags, □ metal drums (m^3):_____, □ ISO transport container (m^3):_____, □ other, to be specified:_____ Type of package[3] (*if known*):_____ Means of identification of the packages *(if labelling is used, annex examples):*_____
(10)	**Type of activity** giving rise to the radioactive waste *(tick as appropriate)*: □ medicine, □ research, □ (non-nuclear) industry, □ nuclear industry, □ other activity *(to be specified):*_____
(11)	**Purpose of the shipment:** □ Return of radioactive waste after (re)treatment or reprocessing of spent fuel □ Return of radioactive waste after treatment of radioactive waste □ Treatment, e.g. (re)packaging, conditioning, volume reduction □ Interim storage □ Return after interim storage □ Final disposal □ Other purpose *(to be specified)*:_____

(12)

Proposed mode of transport (*road, rail, sea, air, inland waterway)*	Point of departure:	Point of arrival:	Proposed Carrier *(if known):*
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

(13) **Sequential list** of countries concerned in the shipment *(the first country is that where the radioactive waste is held and the last is the country of destination)*

1.	3.	5.	7.
2.	4.	6.	8.

(14) In accordance with the provisions of Directive 2006/117/Euratom, I, the applicant, hereby:

1. **apply for authorisation** to make the shipment(s) of radioactive waste described above, and

2. **certify that the information provided above is correct** to the best of my knowledge and that the shipment(s) will be carried out in accordance with all the relevant statutory provisions, and

3.*(**Where the shipment is of Type MM or ME**) undertake to take back the radioactive waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled; or
*(**Where the shipment is of type IM or TT**) attach hereto the evidence of the arrangement between the consignee and the holder of the radioactive waste established in the third country, which has been accepted by the competent authority of the third country, stating that the holder in the third country will take back the radioactive waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled, unless an alternative safe arrangement can be made.

(*) Only one of the asterisked statements can apply: delete as applicable.

_____

(*Date and place)……(Stamp)……..(Signature)*

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-2
ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION FOR RADIOACTIVE WASTE SHIPMENT– REQUEST FOR MISSING INFORMATION

(15)	**Name of the competent authority responsible for issuing the authorisation** _____ _____ Member State:_____ □ of origin[4], □ of destination[5], □ where the shipment first enters the Community[6] Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax.:_____ E-mail:_____ Contact person: Mr/Ms_____
	Date of receipt/registration:_____(dd/mm/yyyy)
(16)	**Name of the competent authority** concerned*:*_____ Member State or country of *(Tick as appropriate)* □ destination, □ transit, □ where the shipment first enters the Community, or □ origin[7]:_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(17)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby consider the **application** of _____(dd/mm/yyyy), received on _____(dd/mm/yyyy) (a)***not duly completed** and request the following missing information: (*Attach complete list of missing information (items), if space is not sufficient)*_____ _____ _____ _____ _____ _____ _____ _____ .....*(Date and place)……(Stamp)……..(Signature)……..* (b)***duly completed** and acknowledge the receipt thereof. _____ .....*(Date and place)……(Stamp)……..(Signature*)……. *(*) Only one of the asterisked statements can apply: delete as applicable*

[4] In case of a Type MM or type ME shipment
[5] In case of a Type IM shipment
[6] In case of a Type TT shipment
[7] Not required by the Directive, Country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-3
REFUSAL OR CONSENT OF THE RADIOACTIVE WASTE SHIPMENT BY THE COMPETENT AUTHORITIES CONCERNED

(18)	**Name of the competent authority concerned**:_____ Member State or Country *(tick and fill in as appropriate)* □ of origin[8], □ of destination[9], □ of transit[10] :_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-Mail:_____ Contact person: Mr/Ms_____
(19)	***) General deadline for automatic approval** _____(dd/mm/yyyy)
	***)** Request for additional period of not more than one month, **extended deadline for automatic approval:** _____(dd/mm/yyyy)
	_____ *(Date and place)…… (Stamp)…… (Signature)……..* *(*) Only one of the asterisked statements can apply: delete as applicable*
(20)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby ****refuse consent** for the following reasons *(attach complete list of reasons, if space is not sufficient):*_____ _____ _____ _____ _____ *(Date and place)…… (Stamp)…… (Signature)……*
	****grant consent** under the following conditions *(attach complete list, if space is not sufficient):*_____ _____ _____ _____ _____ ……..*(Date and place)……..(Stamp)……(Signature)……..* *(**) Only one of the asterisked statements can apply: delete as applicable*

[8] Not required by the Directive, country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments.

[9] In case of a Type MM or ME shipment

[10] In case of Type MM, IM, ME or TT shipments, if one or more Member States of transit are concerned.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-4a
AUTHORISATION OF RADIOACTIVE WASTE SHIPMENT

(21) **Name of competent authority responsible** for issuing the authorisation of the shipment:

_____

Member State *(fill in and tick as appropriate)*:_____
□ of origin, □ of destination or □ by way of which the waste enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(22) **Sequential list** of consents and/or refusals of the countries concerned in the shipment:

Member State or Country	Consent granted?	List of conditions for consent, if any:	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

(23) The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.[11]

The competent authorities of the countries concerned are informed that

the single shipment*
several shipments*
of the radioactive waste as described in Section A-1, has/have been

AUTHORISED

Date of expiry of authorisation: _____(dd/mm/yyyy)

_____
…… (Date and place)…….. (Stamp) …… (Signature)……
(*) only one asterisked statement can apply, delete as appropriate.

[11] This authorisation in no way diminishes the responsibility of the holder, carrier, owner, consignee or any other physical or legal person concerned in the shipment.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-4b
REFUSAL OF RADIOACTIVE WASTE SHIPMENT

(24) **Name of competent authority responsible** for issuing the refusal of the shipment:_____
_____
Member State *(fill in and tick as appropriate)*:_____
□ of origin, _____□ of destination __□ of transit, _or □ by way of which the waste enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(25) **Sequential list** of consents and/or refusals of the countries concerned:

Member State/ Country	Consent granted?	List of conditions for consent, if any, or reasons for refusal	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom. The competent authorities of the countries concerned are informed that

the single shipment*
several shipments*
of the radioactive waste as described in Section A-1, has/have been

REFUSED

_____
……(Date and place)……..(Stamp) ……(Signature)

(*) only one asterisked statement can apply, delete as appropriate.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-5
DESCRIPTION OF RADIOACTIVE WASTE CONSIGNMENT AND LIST OF PACKAGES

(26) **Applicant** *(Trade name):*_____
□ Holder,____ □ Consignee,____□ Other, to be specified:_____
Address:_____
Post code:_____ Town:_____ Country:_____
Tel.:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms:_____

(27) **Date of expiry of the authorisation** _____(dd/mm/yyyy), covering
□ a single shipment, or □ several shipments, serial number of the shipment: _____

(28) **Nature of radioactive waste**
Physicochemical characteristics *(tick as appropriate):* □ solid, □ liquid, □ gaseous, □ other (e.g. fissile, low dispersible), to be specified:_____
Main radionuclides**:**_____
Maximum alpha activity/package (GBq):_____
Maximum beta/gamma activity/package (GBq):_____
Total alpha activity (GBq):_____Total beta/gamma activity (GBq):_____

(29)

*Identification number	*Type [12]	*Gross mass (kg)	*Net mass (kg)	*Activity (GBq)
Total number:	Total/type:	Total:	Total:	Total:

(*)To be completed for each package, attach separate list, if space is not sufficient!

(30) **Date of origin of the shipment**: _____ (dd/mm/yyyy)
I hereby certify that the information provided in this section (and in the attached list or documents) is correct to the best of my knowledge.

_____
……(Date and place)……..(Stamp) ……(Signature)

[12] According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1 , IAEA, Vienna, 2005

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-6
ACKNOWLEDGEMENT OF RECEIPT OF THE RADIOACTIVE WASTE

(31)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ ___Fax:_____ E-mail:_____ Contact person:_____
(32)	**Location where the radioactive waste is held** after the shipment:_____ Address:_____ Post code_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(33)	Authorisation granted for (*tick as appropriate):* □ a single shipment of Type MM or IM, □ a single shipment of Type ME or TT □ several shipments of Type MM or IM, Serial number of shipment: _____ Last shipment covered by the authorisation: □Yes □No □ several shipments of Type ME or TT, Serial number of shipment: _____ Last shipment covered by the authorisation: □Yes □No
(34)	□ **Not applicable.** □ Shipments of type ME or TT *(this item may be replaced by a separate declaration, fill in reference to attachment):* **Frontier post of entry to the third country of destination or transit:_____** Third country:_____ Frontier post:_____
(35)	Depending on the type of shipment, the consignee must send the acknowledgement of receipt together with section A-5 • *(Type MM or IM):* to the competent authority of the Member State of destination, • *(Type ME or TT):* to the applicant (Type ME: to the holder, Type TT: to the person responsible for the shipment in the Member State by way of which the waste enters the Community) as referred to as in item 4 (section A-1). **Date of receipt of the radioactive waste:**_____(dd/mm/yyyy) **Date of origin** of the acknowledgement of receipt*:*_____(dd/mm/yyyy) I, the consignee, hereby certify that the information provided in this section *(and the attached list)* is correct to the best of my knowledge. _____ *……(Date and place)……..(Stamp) ……(Signature)*
(36)	□ **Not applicable**. □ **Shipments of type ME or TT***:* the applicant forwards the acknowledgement of receipt and, where appropriate, the consignee's declaration to the authority which issued the authorisation. 1. A consignee located outside the European Union may acknowledge receipt of the radioactive waste by means of a declaration or certificate providing at least the information contained in items 31 to 36. 2. The competent authority which receives the original acknowledgement of receipt must send copies of it to the other competent authorities. 3. The originals of sections A-5 and A-6 must be sent finally to the competent authority which issued the

	authorisation. 4. For shipments between Member States, the competent authority of the Member State of origin or where the shipment first enters the Community must send a copy of the acknowledgement of receipt to the holder.	
	Date of forwarding of the acknowledgement of receipt (together with section A-5): _____(dd/mm/yyyy)	Frontier post of exit from the Community:
	Country:	Post:
	_____ *(Date and place)……..(Stamp) ……(Signature of the applicant)*	

Registration No: _____
(To be completed by the competent authority responsible for issuing the shipments authorisation.)

SECTION B-1
APPLICATION FOR AUTHORISATION OF SHIPMENT(S) OF SPENT FUEL

(1)	**Type of shipment** *(tick the appropriate box):* □ **Type MM:** Shipment between Member States *(via one or more Member States or third countries)* □ **Type IM:** Import into the Community □ **Type ME:** Export out of the Community □ **Type TT:** Transit through the Community
(2)	**Application for authorisation for** *(tick the appropriate box*):_____ □ a single shipment_____ Planned period of execution:_____ □ several shipments: number *(planned)***:**_____ Planned period of execution:_____
(3)	**□ Not applicable.** □ **Type MM shipment(s) via** one or more **third countries**: Frontier post of exit from the Community*:_____ Frontier post of entry to third country* *(first country crossed):*_____ Frontier post of exit from third country* *(last country crossed):*_____ Frontier post of return to the Community*:_____ *(*)These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.*
(4)	**Applicant** *(trade name):*_____ □ Holder (for Types MM, ME), □ Consignee (for Type IM), □ Other (for Type TT), to be specified: _____ Address:_____ Post code_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(5)	**Location** of the spent fuel before shipment *(trade name):*_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(6)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax: _____ E-mail:_____ Contact person: Mr/Ms_____
(7)	**Location** of spent fuel after shipment:_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms:_____
(8)	**Type of spent fuel:** □ uranium metal, □ uranium dioxide, □ mixed oxide (MOX), □ other, please specify: _____
	Original fissile content: □ uranium-235_____[maximum enrichment…….%] □ MOX_____ [nominal uranic enrichment……%] _____ [maximum plutonium content…….%] □ other, please specify_____
	Fuel burn up (average or typical range):_____MWdays/teHM
(9)	Total number of packages (e.g. flasks):_____ Total number of assemblies/bundles/elements/rods (specify):_____ Total net mass (kg):_____ Total gross mass (kg):_____

	(These values are estimates if the application relates to several shipments) Description of consignment (e.g. flasks):_____ Type of package[13] (*if known*):_____ Maximum spent fuel content per package (kg):_____ Means of identification of the packages *(if labelling is used, annex examples):*_____
(10)	**Type of activity** giving rise to the spent fuel *(tick as appropriate)*_____ □ research, □ commercial nuclear power, □ other activity *(to be specified):*_____
(11)	**Purpose of the spent fuel shipment:** □ (Re)treatment or reprocessing □ Interim storage □ Return after interim storage □ Final disposal □ Other purpose *(to be specified)*:_____

(12)

Proposed mode of transport *(road, rail, sea, air, inland waterway)*	Point of departure:	Point of arrival:	Proposed carrier *(if known):*
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

(13) **Sequential list** of countries concerned in the spent fuel shipment *(the first country is that where the spent fuel is held and the last is the country of destination)*

1.	3.	5.	7.
2.	4.	6.	8.

(14)

In accordance with the provisions of Directive 2006/117/Euratom, I, the applicant, hereby:
1. Apply for authorisation to make the shipment(s) of spent fuel described above, and
2. certify that the information provided above is correct to the best of my knowledge and that the shipment(s) will be carried out in accordance with all the relevant statutory provisions, and
3. *(Where the shipment is of Type MM or ME) undertake to take back the spent fuel if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled; or
***(Where the shipment is of type IM or TT)** attach hereto the evidence of the arrangement between the consignee and the holder of the spent fuel established in the third country, which has been accepted by the competent authority of the third country, stating that the holder in the third country will take back the spent fuel if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled.
(*) Only one of the asterisked statements can apply: delete as applicable

_____
(Date and place)……(Stamp)……(Signature)

[13] According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1, IAEA, Vienna, 2005

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-2
ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION FOR SPENT FUEL SHIPMENT(S) – REQUEST FOR MISSING INFORMATION

(15)	**Name of the competent authority responsible for issuing the authorisation:**_____ _____ Member State:_____ □ of origin[14], □ of destination[15], or □ where the spent fuel first enters the Community[16] Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax.:_____ E-mail:_____ Contact person: Mr/Ms_____
	Date of receipt/registration:_____(dd/mm/yyyy)
(16)	**Name of the competent authority** concerned*:*_____ Member State or country of *(Tick as appropriate*) □ destination, □ transit, □ where the shipment first enters the Commmunity, or □ origin[17], _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(17)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby consider the **application** of_____ (dd/mm/yyyy), received on _____(dd/mm/yyyy) (a)***not duly completed** and request the following missing information: *(Attach complete list of missing information (items), if space is not sufficient*)_____ _____ _____ _____ _____ _____ _____ *.....(Date and place)……(Stamp)……(Signature)* (b)***duly completed** and acknowledge the receipt thereof _____ *.....(Date and place)……(Stamp)……(Signature)* *(*) Only one of the asterisked statements can apply: delete as applicable*

[14] In case of a Type MM or type ME shipment
[15] In case of a Type IM shipment
[16] In case of a Type IM or TT shipment
[17] Not required by the Directive, Country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-3
REFUSAL OR CONSENT OF SPENT FUEL SHIPMENT(S) BY THE COMPETENT AUTHORITIES CONCERNED

(18)	**Name of the competent authority** concerned:_____ Member State or Country of *(tick and fill in as appropriate)* □ origin[18], □ destination[19], transit[20]:_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(19)	***) General deadline for automatic approval:** _____(dd/mm/yyyy)
	***)** Request for additional period of not more than one month, **extended deadline for automatic approval:** _____(dd/mm/yyyy)
	_____ *(Date and place)…….. (Stamp)…….. (Signature)……..* *(*) Only one of the asterisked statements can apply: delete as applicable*
(20)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby ****refuse consent** for the following reasons *(attach complete list of reasons, if space is not sufficient):* _____ _____ _____ _____ _____ *(Date and Place)…….. (Stamp)…….. (Signature)……..*
	****grant consent** under the following conditions *(attach complete list, if space is not sufficient):* _____ _____ _____ _____ _____ (*Date and place)…….. (Stamp)…….. (Signature)……..* *(**) Only one of the asterisked statements can apply: delete as applicable*

[18] Not required by the Directive, Country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments.
[19] In case of a Type MM or ME shipments
[20] In case of Type MM, IM, ME or TT shipment, if one or more Member States of transit are concerned.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-4a
AUTHORISATION OF SPENT FUEL SHIPMENT(S)

(21) **Name of competent authority responsible** for issuing the authorisation of the shipment:_____
_____
Member State *(fill in and tick as appropriate)*:_____
□ of origin, □ of destination, □ of transit or □ by way of which the spent fuel enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(22) **Sequential list** of consents and/or refusals of the countries concerned in the shipment:

Member State/ Country	Consent granted?	List of conditions for consent, if any.	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

(23) The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.[21] The competent authorities of the countries concerned are informed that

the single shipment*
several shipments*
of spent fuel as described in Section B-1, has/have been

AUTHORISED

Date of expiry of authorisation: _____(dd/mm/yyyy)

_____
……(Date and place)……..(Stamp) ……(Signature)

(*) only one asterisked statement can apply, delete as appropriate).

[21] This authorisation in no way diminishes the responsibility of the holder, carrier, owner, consignee or any other physical or legal person concerned in the shipment.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-4b
REFUSAL OF SPENT FUEL SHIPMENT(S)

(24) **Name of competent authority responsible** for issuing the refusal of the shipment:_____
_____
Member State *(fill in and tick as appropriate)*:_____
□ of origin, □ of destination, □ of transit or □ by way of which the spent fuel enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(25) **Sequential list** of consents and/or refusals of the countries concerned:

Member State/ Country	Consent granted?	List of conditions for consent, if any, or reasons for refusal	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.

The competent authorities of the countries concerned are informed that

the single shipment*
several shipment(s)*
of spent fuel as described in Section B-1, has been

REFUSED

_____
……(Date and place)……..(Stamp) ……(Signature)

(*) only one asterisked statement can apply, delete as appropriate).

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-5
DESCRIPTION OF SPENT FUEL CONSIGNMENT AND LIST OF PACKAGES

(26)	**Applicant** *(trade name):*_____ □ Holder,____ □ Consignee,____□ Other, to be specified:_____ Address:_____ Post code:_____ Town: _____Country:_____ Tel.:_____Fax:_____E-mail:_____ Contact person: Mr/Ms:_____				
(27)	**Date of expiry of the authorisation** _____(dd/mm/yyyy), covering □ a single shipment, □ several shipments, serial number of the shipment:_____				
(28)	**Type of spent fuel:** □ uranium metal, □ uranium dioxide, □ mixed oxide (MOX), □ other, please specify: _____				
	Original fissile content: □ uranium-235_____ [maximum enrichment……. %] □ MOX_____ [nominal U-enrichment……. %] _____ [max. PU content……..….%] □ other, please specify_____				
	Fuel burn up (average or typical range):_____MWd/tHM Total number of assemblies/bundles/elements/rods (specify):_____ Maximum spent fuel content per package (kg):_____				
(29)	*Identification no:	*Type[22]	*gross mass (kg)	*net mass (kg)	*activity (GBq)
	Total number:	Total/type:	Total:	Total:	Total:
	(*) to be completed for each package, attach separate list, if space is not sufficient!				
(30)	**Date of origin of the shipment**: _____ (dd/mm/yyyy) I hereby certify that the information provided in this section (and in the attached list or documents) is correct to the best of my knowledge. _____ *…… (Date and place)…….. (Stamp) …… (Signature)……..*				

[22] According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1, IAEA, Vienna, 2005

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-6
ACKNOWLEDGEMENT OF RECEIPT OF THE SPENT FUEL

(31)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person:_____
(32)	**Location where the spent fuel is held** after the shipment *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(33)	Authorisation granted for (*tick as appropriate):* □ a single shipment of Type MM or IM, □ a single shipment of Type ME or TT □ several shipments of Type MM or IM, Serial number of shipment: _____ _____Last shipment covered by the authorisation: □Yes □No □ several shipments of Type ME or TT, Serial number of shipment: _____ _____Last shipment covered by the authorisation: □Yes □No
(34)	□ not applicable. □ For shipments of type ME or TT: *(this item may be replaced by a separate declaration, fill in reference to attachment):* _____ **Frontier post of entry to the third country of destination or transit:**_____ Third country:_____ Frontier post:_____
(35)	Depending on the type of shipment, the consignee must send the acknowledgement of receipt together with section B-5 • *(Type MM or IM):* to the competent authority of the Member State of destination. • *(Type ME or TT):* to the applicant (Type ME: to the holder, Type TT: to the person responsible for the shipment in the Member State by way of which the spent fuel enters the Community) as referred to as in item 4 (section B-1). **Date of receipt** of the spent fuel:_____(dd/mm/yyyy) **Date of origin** of the acknowledgement of receipt*:*_____(dd/mm/yyyy) I, the consignee, hereby certify that the information provided in this section *(and the attached list)* is correct to the best of my knowledge. _____ *……(Date and place)……..(Stamp) ……(Signature)*
(36)	□ **Not applicable.** □ **For shipments of type ME or TT***:* the applicant forwards the acknowledgement of receipt and, where appropriate, the consignee's declaration to the authority which issued the authorisation. 1. A consignee located outside the European Communities may acknowledge receipt of the spent fuel by means of a declaration or certificate providing at least the information contained in items 31 to 36. 2. The competent authority which receives the original acknowledgement of receipt must send copies of it to the other competent authorities. 3. The originals of sections B-5 and B-6 must be sent finally to the competent authority which issued the authorisation. 4. For shipments between Member States, the competent authority of the Member State of origin or where the shipment first enters the Community must send a copy of the acknowledgement of receipt to the holder.

	Date of forwarding of the acknowledgement of receipt (together with section B-5): _____(dd/mm/yyyy)	Frontier post of exit from the Community: _____
	Country:	Post:
	_____ *(Date and place)……..(Stamp) ……(Signature of the applicant)*	

Skeda 2

(Regolament 5)

EXPLANATORY NOTES
to each item of the standard document sections A-1 to A-6 and B-1 to B-6:

Definition of a duly completed application: An application for the authorisation of a shipment of radioactive waste or spent fuel is duly completed in accordance with Directive 2006/117/Euratom, if – in case of shipments of radioactive waste – each item of section A-1, or – in case of shipments of spent fuel – each item of section B-1, contains the required information, either by ticking the relevant box, deleting (=crossing out) the non-applicable option or filling in the relevant data and values. In case of an application for several shipments, items 8 and 9 may contain estimates.

(1) The applicant must duly complete all items 1 to 14. In item 1 tick one of the boxes as applicable to define the type of shipment and fill in the relevant frontier posts in case third countries are concerned in the shipment,

(a) Tick Type MM for shipments between Member States, eventually passing through one or more other Member States or third countries.

(b) Tick Type IM for shipments from a third country to a Member State (= import into the Community), bearing in mind, that the application must include evidence that the consignee has made an arrangement with the holder established in the third country, and which has been accepted by the competent authority of that third country, obliging that holder to take back the radioactive waste or spent fuel where a shipment cannot or may not be completed.

(c) Tick Type ME for shipments from a Member State to a third Country (= export from the Community), or

(d) Tick Type TT for shipments from one third country to another third country passing one or more Member States, bearing in mind that the application must include evidence that the consignee established in the third country has made an arrangement with the holder established in the third country, and accepted by the competent authority of that third country, obliging that holder to take back radioactive waste or spent fuel where a shipment cannot or may not be completed.

(2) By ticking the relevant box, the applicant must state clearly whether the application covers only one shipment within a period of time (e.g. 05/2010, 2009 or 2010-2011) or whether the application covers more than one shipment within a period of time, but not more than a period of three years from the date of authorisation. A single application may be sent in respect of more than one

shipment, provided the following conditions are met as set out in Article 6(2) of the Directive 2006/117/Euratom:

(a) the radioactive waste or spent fuel to which it relates essentially has the same physical, chemical and radioactive characteristics; and

(b) the shipments are to be made from the same holder to the same consignee and involve the same competent authorities, and

(c) where the shipments involve transit through third countries, such transit is made via the same frontier post of entry to and/or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

(3) The applicant must fill in the relevant frontier posts in case one or more third countries are concerned in the shipment. These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.

(4) **The applicant** must fill in his/her trade name, address and contact details. The trade name, also known as a trading name or a business name, is the name which a business trades under for commercial purposes, although its registered, legal name, used for contracts and other formal situations, may be another. The applicant must tick the appropriate box to define his/her function, which is the following, depending on the type of shipment:

(a) the holder in case of a shipment between Member States (Type MM) or an export from the Community into a third country (Type ME);

(b) the consignee in case of an import into the Community from a third country (Type IM);

(c) the person responsible for the shipment in the Member State by which the radioactive waste or spent fuel enters the Community in case of a transit through the Community (Type TT).

(5) **The applicant** must fill in the trade name, address and contact details of the location, where the radioactive waste or spent fuel is held before the shipment, which can be different from the address of the applicant.

(6) **The applicant** must fill in the trade name, address and contact details of the consignee. In case of shipment type IM, this information is identical with item 4.

(7) **The applicant** must fill in the trade name, address and contact details of the location, where the radioactive waste or spent fuel will be held after the shipment, which can be different from the address of the consignee.

(8) **The applicant** must complete all fields either by ticking the appropriate box (more than one answer is possible) or filling in the specific characteristics and values of the radioactive waste or spent fuel. These values may be estimates in case of several shipments.

(9) **The applicant** must complete item 9, the values may be estimates.

(10) **The applicant** must tick and define the type of activity giving rise to the radioactive waste or spent fuel and tick the appropriate box(es) or specify any other activity. More than one answer is possible.

(11) **The applicant** must define the purpose of the shipment and tick the appropriate box (only one answer is possible) or specify any other purpose.

(12) **The applicant** must list up, as planned, the different modes of transport foreseen for the shipment (road, rail, sea, air, inland waterway) and add accordingly the relevant point of departure, point of arrival and the planned carrier (if already known). Changes of this schedule at a later point during the application procedure are possible and should be notified to the competent authorities but do not require a new application for approval**.**

(13) **The applicant** must list up all countries concerned in the shipment, starting with the first Member State or third country where the radioactive waste or spent fuel is held and ending with the last Member State or third country, where it will be held after the completion of the shipment. Should the applicant whish to change the sequential list of countries, a new application is required.

(14) **The applicant** must declare who takes back the radioactive waste or spent fuel in case the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled. Where the shipment is of type IM or TT, the applicant must attach to the application evidence of an arrangement between the consignee in the Member State or third country of destination and the holder of the radioactive waste or spent fuel in the third country which has been approved by the competent authorities of the third country.

Having completed items 1 to 14 **the applicant** must send the section 1 of the standard document to the competent authority, which is responsible for issuing the authorisation for the shipment.

The **competent authority responsible for issuing the shipment authorisation** or refusal is the following, depending on the type of the shipment is:

- the competent authority of the Member State of origin in case of shipments between Member States (Type MM) and exports out of the Community (Type ME);

- the competent authority of the Member State of destination in case of an import into the Community (Type IM);

- the competent authority of the first Member State of transit, where the shipment enters the Community in case of a transit through the Community (Type TT).

The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities.

(15) Immediately upon receipt of the application, the **competent authority responsible** for issuing the authorisation for the shipment must

(a) enter the registration number at the top of each section of the standard document, starting with section 1.

(b) verify that all items of section 1 have been duly completed by the applicant,

(c) complete item 15 of section 2 and make sufficient copies of sections 1, 2 and 3 for each Member State or Country concerned. Third countries of transit are consulted for information only.

(16) The **competent authority responsible** for the authorisation must

(a) complete, as appropriate, item 16 of section 2 (and 18 of section 3) for each competent authority of the Member States or Countries concerned as listed in item 13, whose consent is required for the shipment(s) to be authorised, and

(b) send the duly completed application (section 1) together with section 2 – without delay – for consent to each competent authority concerned named in item 16.

(17) Item 17 to be completed by the **competent authority of the Member State(s) concerned**. The date of the application and of receipt must be entered immediately upon receipt of the application. Within 20 days after the date of receipt the competent authority of the Member States concerned must verify, if the application is duly completed (all items 1 to 14 must be completed and no information may be missing; some values may be estimates). Only 17(a) or 17(b) can apply, please delete as applicable.

(a) If the competent authority of the Member State(s) of transit, if any, or of destination consider the application not duly completed, they must complete item 17(a), delete item 17(b) and notify their request for missing information to the competent authority responsible for issuing the authorisation (referred to as in item 15). They have to clearly state, which

information is missing (fill in or attach document). The competent authority requesting the missing information must send copies of section 2 to all other competent authorities of the Member States concerned referred to as in item 13 within a period of 20 days from the date of receipt of the application. The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities. If one Member State concerned considers the application not duly completed, the procedure is stopped. In this case, even if the competent authority of Member State of destination considers the application duly completed, they may not send an acknowledgement of receipt until the requested information has been received and no further request has been sent within 10 days after the receipt of the missing information. This procedure may be repeated until all missing information has been received and no further requests for missing information have been sent.

Not later than 10 days after expiry of the 20 days from the receipt of application, if no request for missing information has been received within the 20-days period and if the competent authority of the Member State concerned deems the application duly completed, it must send section 2 to the competent authority responsible for the authorisation as referred to as in item 15 and copies thereof to all other competent authorities of the Member States concerned as referred to as in item 13. The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities.

Shorter periods of time can be agreed between all competent authorities of the Member States concerned.

(b) In order to allow the competent authorities to request missing information within a period of 20 days after the receipt of the application, **the competent authority of the Member State of destination** must not issue their acknowledgement of receipt before the expiry of the 20 days deadline. Upon expiry of the 20-days deadline, if the competent authority of the Member States of destination consider the application duly completed and if either no other Member States are concerned or no other competent authority concerned requested missing information, it (the competent authority of the Member States of destination) must complete item 17(b).

(18) Immediately upon receipt of the acknowledgement of receipt of a duly completed application of the competent authority of the Member State of destination the **competent authority responsible for the authorisation** must verify if the deadlines have been respected, and complete item 18 of section 3 for each Member State concerned, as listed in item 13, whose consent is required for the shipment(s) to be authorised.

The competent authority concerned must make necessary additional entries in item 18.

(19) The **competent authority responsible for the authorisation** must fill in the general deadline for automatic approval, which applies to all Member States concerned. This expiry date is in general two months after the date of acknowledgement of receipt of the Member State of destination as referred to as in item 17(b). Then the competent authority responsible for the authorisation has to send section 3 on the consent or refusal to all Member States or Countries concerned.

Immediately upon receipt of section 3, **any competent authority concerned** must decide if a further period of time is needed to decide upon refusal or consent to the shipment. An additional period of up to one month may be requested by deleting the general deadline in item 19, filling in the new deadline and notifying the extended deadline to all competent authorities concerned.

(20) The **competent authority concerned** must give the application due consideration. Not later than the expiry of the deadline for the automatic approval, the competent authority concerned must complete item 20 and return the original copy of section 3 (scanned original if sent by e-mail) to the competent authority responsible for issuing the authorisation (as referred to as in item 15). In case consent is refused, reasons must be given and must be based (for Member States of Transit) on the relevant national, Community or international legislation applicable to the transport of radioactive material or - for Member States of destination - on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material. Any conditions imposed must not be more stringent than those laid down for similar shipments within Member States. Failure to complete and return the standard document by the due time shall be taken as deemed consent to the shipment application, subject to Article 9 (2) of Directive 2006/117/Euratom.

(21) The **competent authority responsible for issuing the shipment authorisation** must complete items 21 to 23, when all consents necessary for the shipment have been given by the competent authorities concerned, bearing in mind, that tacit consent is deemed to be given only provided that

(a) the acknowledgement of receipt has been received (at least) from the competent authority of the Member State of destination (as referred to as in item 17(b), and

(b) no request for missing information have been left unanswered, and

(c) no reply (neither consent nor refusal) has been received within the applicable deadlines as referred to as in item 19 from the competent authorities concerned.

(22) The **competent authority** referred to as in item 21 must list up or attach, if space provided is not sufficient, all consents (incl. conditions) and refusals (incl. reasons) received, if any, from all competent authorities concerned.

(23) The **competent authority** referred to as in item 21 must

(a) complete item 23 bearing in mind that the maximum period of validity for the authorisation is three years and that a single authorisation may cover more than one shipment, where the conditions set out in Article 6(2) of the Directive 2006/117/Euratom are met,

(b) send the original of section 4a to the applicant together with the sections 1, 4a, 5 and 6 and

(c) send copies of section 4a to all other competent authorities concerned.

(24) The **competent authority responsible for issuing the shipment authorisation** must complete items 24 to 25, if at least one of the competent authorities concerned did not give their consent to the shipment.

(25) The **competent authority** as referred to in item 24 must list up or attach all consents and refusals received, including all conditions and reasons for refusal and send the original copy of section 4b to the applicant and copies of this section to all other competent authorities concerned.

(26) If the shipment(s) has(ve) been authorised and **the applicant** has received sections 4a, 5 and 6, he/she must duly complete item 26. In case the application covers several shipments, he/she must make sufficient copies of section 5 for each shipment.

(27) **The applicant** must tick the appropriate box, indicating whether the authorisation covers a single shipment or several shipments. In case of several shipments, the appropriate serial number must be filled in.

(28) Before each shipment **the applicant** must duly complete item 28 to 30 (even if the authorisation relates to several shipments). In this section, the values must not be estimates!

(29) **The applicant** must duly complete item 29 (list of packages) and indicate at the bottom the total number of packages, the total number of each type of package, the total net mass, the total gross mass and the total activity (GBq) of all packages. If the place provided in the document is not sufficient, please attach a separate list with the information requested.

(30) **The applicant** must complete item 30 (date of origin and declaration) before each shipment of radioactive waste of spent fuel (even if the authorisation relates to several shipments). Together with sections 1 and 4a, section 5 accompanies the radioactive waste or spent fuel while it is being shipped. The description of

consignment and list of packages (section 5) is then attached to the section 6 (acknowledgement of receipt).

(31) **The consignee** (in case of MM and IM shipments), **the holder** (in case of ME shipments) or **the person responsible for the shipment** (in case of TT shipments) must duly complete items 31 to 35 (36, if applicable); any necessary additions being made by **the applicant**. However, a consignee located outside the European Community may acknowledge receipt of the radioactive waste or spent fuel by means of a declaration separate from the standard document.

(32) **The consignee** must duly complete the name, address and contact details of the place where the radioactive waste or spent fuel is held after the shipment.

(33) **The consignee** must complete item 33 (as referred to as in item 23) and indicate if the shipment received is the last shipment covered by the authorisation.

(a) In cases where the authorisation covers a single shipment of the types MM or IM, **the consignee** must complete section 6 within 15 days of receiving the radioactive waste or spent fuel and submit sections 5 and 6 to the competent authority of the Member State of destination. The **competent authority of the Member State of destination** then forward copies of sections 5 and 6 to the other competent authorities concerned (and, where appropriate, the original of these two sections to the competent authority who issued the authorisation). For shipments of the type MM, the **competent authority of the Member State of origin** must send a copy of the acknowledgement of receipt to the holder.

(b) In cases where the authorisation covers a single shipment of type ME or TT the applicant must ensure that the consignee located outside the European Community sends him section 5 and section 6 duly completed immediately on receipt of the radioactive waste or spent fuel. Section 6 may be replaced by a declaration on the part of the consignee providing at least the information contained in items 31to 36. Within 15 days after receipt of the radioactive waste or spent fuel, the applicant must forward section 5, section 6 (if the consignee did not use section 6, the applicant must complete it) and, where applicable, the consignee's declaration, to the competent authority which issued the authorisation. This authority must then send copies of sections 5 and 6, and, where applicable, the consignee's declaration, to the other competent authorities concerned.

(c) In cases where the authorisation covers several shipments of the types MM or IM, **the consignee** must complete section 6 after each shipment (having made several copies of a blank section 6 for this purpose) and submit this section directly to the competent authority which issued the authorisation. The consignee attaches section 5 relating to the same shipment.

(d) In cases where the authorisation covers several shipments of the types ME or TT **the applicant** must ensure that after each shipment the consignee located outside the European Communities completes for each shipment a (blank) copy of section 6 and returns it together with the appropriate section 5.

(34) **The consignee** must tick "not applicable" or complete item 34 for shipments of type ME or TT or attach a separate declaration and give the reference to the attachment

(35) **The consignee** must complete item 35 when the single shipment or all the shipments covered by the authorisation have been carried out. In cases where the authorisation covers several shipments the final acknowledgement of receipt is completed and submitted as if the authorisation were valid for a single shipment only except that:

(a) It is stated in item 30 of section 6 that the shipment in question is the last shipment covered by the authorisation.

(b) Any declaration made by a consignee located outside the European Communities must state that all the radioactive waste or spent fuel covered by the shipment authorisation has indeed arrived.

The consignee must send the section 6 (acknowledgement of receipt) together with section 5 depending on the type of shipment to the competent authority of the Member State of destination in case of Type MM or IM shipments, or to the applicant as referred to as in item 5 (section 1) in case of a Type ME or TT shipment. To provide an overview, the section 6 for each of the shipments covered by the authorisation must be attached to the final acknowledgement of receipt.

(36) The consignee must tick "not applicable" or complete item 36 in case of shipments of type ME or TT, or replace it by a separate declaration, referring to the attachment. The applicant must forward sections 5 and 6 to the authority which issued the authorisation. To provide an overview, the section 6 for each of the shipments covered by the authorisation must be attached to the final acknowledgement of receipt.

L.N. of 2009

ENVIRONMENT PROTECTION ACT
(CAP. 435)

Waste Management (Supervision and Control of Shipments of Radioactive Waste and Spent Fuel) Regulations, 2009

IN exercise of the powers conferred by articles 9, 10, 11(1)(b) and 28 of the Environment Protection Act, the Prime Minister, after consultation with the Malta Environment and Planning Authority, has made the following regulations:-

Arrangement of Regulations

		Regulations
Part I	General Provisions	1 - 6
Part II	Types of Shipments	7
Part III	Intra-Community Shipments originating from Malta	8 - 14
Part IV	Intra-Community Shipments transiting through Malta	15 - 21
Part V	Intra-Community Shipments destined to Malta	22 - 28
Part VI	Extra-Community Shipments originating from Malta	29 - 30
Part VII	Extra-Community Shipments transiting through Malta	31 - 32
Part VIII	Extra-Community Shipments destined to Malta	33
Part IX	Enforcement	34 - 36

PART I

GENERAL PROVISIONS

Title and commencement.

1. (1) These regulations may be cited as the Waste Management (Supervision and Control of Shipments of Radioactive Waste and Spent Fuel) Regulations, 2009.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes of these regulations.

Scope.

2. (1) These regulations shall bring into effect the provisions of Council Directive 2006/117/EURATOM[1] of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel and Commission Decision 2008/312/EURATOM[2] 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.

(2) These regulations lay down a system of supervision and control of transboundary shipments of radioactive waste and spent fuel, so as to guarantee an adequate protection of the population.

L.N. 44 of 2003.

(3) These regulations provide additional measures, procedures and guidance to those mentioned in the Nuclear Safety and Radiation Protection Regulations, 2003.

Interpretation.

3. (1) For the purposes of these regulations the following definitions shall apply:

Cap. 435.

"the Act" means the Environment Protection Act;

"the Community" means the European Atomic Energy Community;

"the Competent Authority" means the Malta Environment and Planning Authority and such other body or person as the Minister may by order in the Gazette, prescribe and different bodies or persons may be designated as the competent authority for different provisions and different purposes of these regulations;

"competent authorities" means any authority which, under the

[1] OJ L 337, 5.12.2006, p. 21.
[2] OJ L 107, 17.4.2008, p. 32.

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;

"consignee" means any natural or legal person to whom radioactive waste or spent fuel is shipped;

"country or Member State of origin" means any country or Member State from which a shipment is planned to be initiated or is initiated;

"country or Member State of destination" means any country or Member State to which a shipment is planned or takes place;

"country or Member State of transit" means any country or Member State other than the country or the Member State of origin or the country or the Member State of destination, through the territory of which a shipment is planned or takes place;

"disposal" means the emplacement of radioactive waste or spent fuel in an authorised facility without the intention of retrieval;

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

"duly completed application" means the standard document that complies with all the requirements, as established in accordance with regulation 5 of these regulations.

"extra-Community shipment" means a shipment carried out where the country of origin and, or the country of destination are third countries;

"holder" means any natural or legal 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;

"intra-Community shipment" means a shipment carried out where the country of origin and the country of destination are Member States;

"Malta" means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago, including the territorial waters thereof;

"the Minister" means the Minister responsible for the environment;

"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 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 and destination;

"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;

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

"sealed source" has the meaning given to it by the Nuclear Safety and Radiation Protection Regulations, 2003, and includes the capsule, where applicable, enclosing the radioactive material as an integral part of the source;

L.N. 44 of 2003.

"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;

"spent fuel" means 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 shall be treated as radioactive waste;

"storage" means the holding of radioactive waste or spent fuel in a facility that provides for its containment, with the intention of retrieval;

"waste" in addition to what is said in the Act, means any thing, substance, product or object, whether in solid or liquid form, whether hazardous or otherwise, which the holder discards, or intends, or is required to discard, or any other which is deemed to be waste by the competent authority nominated by the Minister responsible for the environment under article 6 of the Act;

(2) All other terms shall have the same meaning as that assigned to them in regulation 3 of the Nuclear Safety and Radiation Protection Regulations, 2003.

Applicability.

4. (1) These regulations shall apply to transboundary shipments of radioactive waste or spent fuel whenever:

(a) the country of origin or the country of destination or any country of transit is a Member State of the Community; and,

(b) the quantities and concentration of the consignment exceed the levels laid down in paragraphs (a) and (b) of sub-regulation (2) of regulation 18 of the Nuclear Safety and Radiation Protection Regulations, 2003.

L.N. 44 of 2003.

(2) These regulations shall not apply to:

(a) shipments of disused sources sent to a supplier or to a manufacturer of radioactive sources or to a recognised installation;

(b) shipments of radioactive materials recovered, through reprocessing, for further use; and

(c) transboundary shipments of waste that contain only naturally occurring radioactive material which does not arise from practices.

(3) These regulations shall not affect the right of a Member State or of an undertaking in that Member State to which radioactive waste is to be shipped for processing, or for other material which is to be shipped with the purpose to recover the radioactive waste, to return the radioactive waste after treatment to its country of origin.

(4) These regulations shall not affect the right of a Member State or of an undertaking in that Member State, to which spent fuel is to be shipped for reprocessing, to return to its country of origin radioactive waste recovered from the reprocessing operation.

(5) Without prejudice to the competence of each Member State to define its own spent fuel cycle policy, these regulations shall not affect the right of a Member State to export spent fuel for reprocessing, taking into account the principles of the nuclear common market, in particular the free movement of goods:

Provided that those shipments and exports shall be supervised and controlled in accordance with the procedures laid down in these regulations.

(6) These regulations shall not affect the right of a Member State to safely return to its country of origin:

(a) shipments of radioactive waste and spent fuel which fall under the scope of these regulations but which were not duly authorised in accordance with these regulations; and

(b) radioactively contaminated waste or material containing a radioactive source where this material has not been declared as radioactive waste by the country of origin.

(7) These regulations shall be without prejudice to rights and obligations under international law and shall apply without prejudice to existing provisions, such as nuclear safety and radiation protection requirements or specific legislation, in particular the Nuclear Safety and Radiation Protection Regulations, 2003.

Use of a standard document.

5. (1) A standard document shall be used in respect of any shipment of radioactive waste or spent fuel between Member States or into, out of and through the Community within the scope of these regulations, as follows:

(a) Section A-1 to A-6 of Schedule 1 to these regulations shall be completed for shipments of radioactive waste;

(b) Section B-1 to B-6 of Schedule 1 to these regulations shall be completed for shipments of spent fuel, including that destined for final disposal and as such categorised as waste;

(c) Section A-1 or B-1 of Schedule 1 to these regulations shall be used for the application for authorisation of shipments and shall be completed by the applicant, depending on the type of the shipment:

Provided that the applicant shall be:

(i) the holder in case of a shipment between Member States (type MM) or an export from the Community into a third country (type ME);

(ii) the consignee in case of an import into the Community from a third country (type IM);

(iii) the person responsible for the shipment in the Member State by which the radioactive waste or spent fuel enters the Community in case of a transit through the Community (type TT).

(d) Section A-2 or B-2 of Schedule 1 to these regulations shall be used for the acknowledgement of receipt of application and shall be completed by the relevant competent authorities concerned, depending on the type of the shipment:

Provided that the competent authorities shall be:

(i) of origin in case of a shipment between Member States (type MM) or an export from the Community into a third country (type ME);

(ii) of destination in case of an import into the Community from a third country (type IM); or

(iii) of transit where the shipment first enters the Community in case of a transit through the Community (type TT).

(e) Section A-3 or B-3 of Schedule 1 to these regulations shall be used for the refusal or consent and shall be completed by all competent authorities concerned.

(f) Section A-4a/A-4b or B-4a/B-4b of Schedule 1 to these regulations shall be used for the authorisation or refusal of shipment and shall be completed by the competent authority responsible for issuing the authorisation, depending on the type of the shipment:

Provided that the competent authority responsible for issuing the authorisation shall be the competent authority of:

(i) the Member State of origin in case of a shipment between Member States (type MM) or an export from the Community into a third country (type ME);

(ii) the Member State of destination in case of an import into the Community from a third country (type IM); or

(iii) the first Member State of transit, where the shipment enters the Community in case of a transit through the Community (type TT).

(g) Section A-5 or B-5 of Schedule 1 to these regulations shall be used for the description of consignment and list of packages and shall be completed by the applicant:

Provided that the applicant shall be:

(i) the holder in case of a shipment between Member States (type MM) or an export from the Community into a third country (type ME);

(ii) the consignee in case of an import into the Community from a third country (type IM); or

(iii) the person responsible for the shipment in the Member State by which the radioactive waste or spent fuel enters the Community in case of a transit through the Community (type TT).

(h) Section A-6 or B-6 of Schedule 1 to these regulations shall be used for the acknowledgement of receipt of the shipment and shall be completed by:

(i) the consignee in case of a shipment between Member States (type MM) or an import into the Community from a third country (type IM); or

(ii) the holder in case of an export from the Community into a third country (type ME); or

(iii) the person responsible for the shipment in the Member State by which the radioactive waste or spent fuel enters the Community in case of a transit through the Community (type TT).

(2) The standard document shall be made available in electronic form, in the format presented in Schedule 1 to these regulations.

(3) The application for authorisation shall be completed and any further documents and information referred to in regulations 12, 19, 26, 29, 31, 32 and 33 hereof shall be supplied in a language that is acceptable to the competent authorities of the Member State to whom the application for authorisation is submitted in accordance with these regulations:

Provided that an authenticated translation shall be supplied by the holder at the request of the competent authorities of the country of destination or transit in a language acceptable to them.

(4) Any additional requirements for authorising a shipment shall be attached to the standard document.

(5) Without prejudice to any other accompanying documents required under other relevant legal provisions, the completed standard document certifying that the authorisation procedure has been duly complied with shall accompany each shipment falling under the scope of these regulations, including cases where the authorisation relates to more than one shipment in a single document.

(6) These documents shall be available to the competent authorities of the country of origin and destination and any country of transit.

Consultation with the Radiation Protection Board.

6. In the case of any shipment of radioactive waste or spent fuel originating from Malta, transiting through Malta or destined to Malta, the Competent Authority may not grant an authorisation unless it has first consulted the Radiation Protection Board established under regulation 9 of the Nuclear Safety and Radiation Protection Regulations, 2003.

PART II

TYPES OF SHIPMENTS

Classification system for shipments.

7. For the purposes of these regulations, shipments of radioactive waste or spent fuel shall be classified in one of the following types:

(1) Intra-Community shipment originating from Malta: any shipment of radioactive waste or spent fuel carried out where the country of origin is Malta and the country of destination is another Member State; or

(2) Intra-Community shipment transiting through Malta: any shipment of radioactive waste or spent fuel carried out where the country of origin and the country of destination are Member States and Malta is a country of transit; or

(3) Intra-Community shipment destined to Malta: any shipment of radioactive waste or spent fuel carried out where the country of destination is Malta and the country of origin is another Member State; or

(4) Extra-Community shipment originating from Malta: any shipment of radioactive waste or spent fuel carried out where the country of origin is Malta and the country of destination is a third country; or

(5) Extra-Community shipment transiting through Malta: any shipment of radioactive waste or spent fuel carried out where the country of origin and, or the country of destination are third countries and Malta is a country of transit; or

(6) Extra-Community shipment destined to Malta: any shipment of radioactive waste or spent fuel carried out where the country of origin is a third country and the country of destination is Malta.

PART III

INTRA-COMMUNITY SHIPMENTS ORIGINATING FROM MALTA

Application for authorisation of shipment.

8. (1) A holder who plans to carry out an intra-Community shipment of radioactive waste or spent fuel or to arrange for such a shipment to be carried out shall submit a duly completed application for authorisation to the Competent Authority, as competent authority of the Member State of origin.

(2) The application may be sent in respect of more than one shipment, provided that:

(a) the radioactive waste or the spent fuel to which it relates essentially shall have the same physical, chemical and radioactive characteristics; and

(b) the shipments shall be made from the same holder to the same consignee and involve the same competent authorities, and

(c) where shipments involve transit through third countries, such transit shall be via the same frontier post of entry to and, or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

Transmission of the application to the competent authorities.

9. (1) The Competent Authority, as competent authority of the Member State of origin, shall send the duly completed application referred to in regulation 8 hereof for consent to the competent authorities of the Member State of destination and of the Member States of transit, if any.

(2) The Competent Authority, as competent authority of the Member State of origin, shall take the necessary measures to ensure that all information regarding shipments covered by these regulations shall be handled with due care and protected against any misuse.

Acknowledgement of receipt of application and request for information.

10. (1) Within twenty days following the receipt of the application, the competent authorities of the Member State of destination and transit shall verify that the application is duly completed.

(2) In case the application is duly completed, the competent authorities of the Member State of destination shall send an acknowledgement of receipt of application to the Competent Authority, as competent authority of the Member State of origin, and copy it to the other competent authorities concerned, not later than ten days after

expiry of the twenty day period set out in sub-regulation (1) of this hereof.

(3) If any of the competent authorities of the Member States concerned considers that the application is not duly completed, it shall request the missing information from the Competent Authority, as competent authority of the Member State of origin, and it shall inform the other competent authorities of such request:

Provided that this request shall be made not later than the expiry of the period set out in sub-regulation (1) hereof.

(4) The Competent Authority, as competent authority of the Member State of origin, shall transmit the requested information to the competent authorities concerned.

(5) Not later than ten days after the date of receipt of the missing information and not earlier than after expiry of the twenty days period set out in sub-regulation (1) of this regulation, the competent authorities of the Member State of destination shall send an acknowledgement of receipt of application to the Competent Authority, as competent authority of the Member State of origin, and they shall copy it to the other competent authorities concerned.

(6) The time periods set out in sub-regulations (1), (2), (3), (4) and (5) hereof for issuing the acknowledgement of receipt of application may be shortened if the competent authorities of destination and transit are satisfied that the application is duly completed.

Consent and refusal.

11. (1) Not later than two months from the date of acknowledgement of receipt of application, the competent authorities of all Member States concerned shall notify the Competent Authority, as competent authority of the Member State of origin, of their consent, or of the conditions which they consider necessary for giving their consent, or of their refusal to grant consent:

Provided that the competent authorities of the Member State of destination or of any Member State of transit may request a further period of not more than one month in addition to the period referred to in sub-regulation (1) hereof to make their position known.

(2) If upon expiry of the periods set out in sub-regulation (1) hereof, no reply has been received from the competent authorities of the Member State of destination and, or the intended Member State of transit, those countries shall be deemed to have given their consent for the shipment requested.

(3) Reasons shall be given by competent authorities for any

refusal to grant consent, or for conditions attached to their consent, which shall be based:

(a) for the competent authorities of the Member States of transit, on the relevant national, Community or international legislation applicable to the transport of radioactive material;

(b) for the competent authorities of the Member State of destination, on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material:

Provided that any conditions imposed by the competent authorities of the Member States of transit or of destination, may not be more stringent than those laid down for similar shipments within those Member States.

(4) The competent authorities of the Member States of transit which gave consent to transit for a given shipment may not refuse to give consent to reshipment in the following cases:

(a) when the initial consent concerned material being shipped for treatment or reprocessing purposes, if the reshipment concerns radioactive waste or other products equivalent to the original material after treatment or reprocessing, and all relevant legislation is respected;

(b) under the circumstances described in regulation 14 hereof, if the reshipment is undertaken on the same conditions and with the same specifications.

Authorisation of shipments.

12. (1) If all the consents necessary for shipment have been given, the Competent Authority, as competent authority of the Member State of origin, shall be entitled to authorise the holder to carry out the shipment and shall inform the competent authorities of the Member State of destination and of any Member State or third country of transit accordingly.

(2) The authorisation referred to in sub-regulation (1) hereof shall not in any way affect the responsibility of the holder, the transporters, the owner, the consignee or any other natural or legal person involved in the shipment.

(3) A single authorisation may cover more than one shipment, where the conditions set out in sub-regulation (2) of regulation 8 hereof are met.

(4) Any authorisation shall be valid for a period of not more than three years:

Provided that, when establishing this period of validity, the Competent Authority as competent authority of the Member State of origin, shall take into account any conditions set out in the consent given by the Member States of destination or of transit.

Acknowledgement of receipt of the shipment.

13. (1) Within fifteen days of receipt of each shipment, the consignee shall send the competent authorities of the Member State of destination an acknowledgement of receipt.

(2) The competent authorities of the Member State of destination shall send copies of the acknowledgement of receipt of the shipment to the Competent Authority as competent authority of the Member State of origin, and the competent authorities of any Member State or third country of transit.

(3) The Competent Authority, as competent authority of the Member State of origin, shall send a copy of the acknowledgement of receipt of the shipment to the original holder.

Shipment failure.

14. (1) The Competent Authority as competent authority of the Member State of origin, and the competent authorities of the Member State of destination and transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with these regulations, or are not in accordance with the authorisations or consents given pursuant to these regulations:

Provided that such Member State shall forthwith inform the competent authorities of the other Member States involved in the shipment of this decision.

(2) Where a shipment cannot be completed or if the conditions for shipment are not complied with in accordance with these regulations, the Competent Authority as competent authority of the Member State of origin, shall ensure that the radioactive waste or the spent fuel in question is taken back by the holder, unless an alternative safe arrangement can be made:

Provided that these competent authorities shall ensure that the person responsible for the shipment takes corrective safety measures where necessary.

(3) The holder shall be liable for costs arising in cases where the shipment cannot or may not be completed.

PART IV

INTRA-COMMUNITY SHIPMENTS TRANSITING THROUGH MALTA

Application for authorisation of shipment.

15. (1) A holder who plans to carry out an intra-Community shipment of radioactive waste or spent fuel or to arrange for such a shipment to be carried out shall submit a duly completed application for authorisation to the competent authorities of the Member State of origin.

(2) The application may be sent in respect of more than one shipment, provided that:

(a) the radioactive waste or the spent fuel to which it relates essentially shall have the same physical, chemical and radioactive characteristics;

(b) the shipments shall be made from the same holder to the same consignee and involve the same competent authorities, and

(c) where shipments involve transit through third countries, such transit shall be via the same frontier post of entry to and, or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

Transmission of the application to the competent authorities.

16. (1) The competent authorities of the Member State of origin shall send the duly completed application referred to in regulation 15 hereof for consent to the competent authorities of the Member State of destination, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any.

(2) The Competent Authority, as competent authority of the Member State of transit, shall take the necessary measures to ensure that all information regarding shipments covered by these regulations shall be handled with due care and protected against any misuse.

Acknowledgement of receipt of application and request for information.

17. (1) Within twenty days following the receipt of the application, the competent authorities of the Member State of destination, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, shall verify that the application is duly completed.

(2) In case the application is duly completed, the competent authorities of the Member State of destination shall send an

acknowledgement of receipt of application to the competent authorities of the Member State of origin and they shall copy it to the Competent Authority, as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, not later than ten days after expiry of the twenty days period set out in sub-regulation (1) of this regulation.

(3) If any of the competent authorities of the Member States concerned consider that the application is not duly completed, they shall request the missing information from the competent authorities of the Member State of origin and inform the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, of such request:

Provided that this request shall be made not later than the expiry of the period set out in sub-regulation (1) of this regulation.

(4) The competent authorities of the Member State of origin shall transmit the requested information to the competent authorities concerned.

(5) Not later than ten days after the date of receipt of the missing information and not earlier than after expiry of the twenty day period set out in sub-regulation (1) hereof , the competent authorities of the Member State of destination shall send an acknowledgement of receipt of application to the competent authorities of the Member State of origin and shall copy it to the Competent Authority, as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any.

(6) The time periods set out in sub-regulations (1), (2), (3), (4) and (5) hereof for issuing the acknowledgement of receipt of application may be shortened if the competent authorities of destination, Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, are satisfied that the application is duly completed.

Consent and refusal.

18. (1) Not later than two months from the date of acknowledgement of receipt of application, the competent authorities of destination, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, shall notify the competent authorities of the Member State of origin of their consent, or of the conditions which they consider necessary for giving their consent, or of their refusal to grant consent:

Provided that the competent authorities of destination, the Competent Authority as competent authority of the Member State of

transit, and the competent authorities of the other Member States of transit, if any, may request a further period of not more than one month in addition to the period referred to in sub-regulation (1) hereof to make their position known.

(2) If upon expiry of the periods set out in sub-regulation (1) hereof, no reply has been received from the competent authorities of destination, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, those countries shall be deemed to have given their consent for the shipment requested.

(3) Reasons shall be given by the competent authorities for any refusal to grant consent, or for conditions attached to its consent, which shall be based:

(a) for the Competent Authority, as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, on the relevant national, Community or international legislation applicable to the transport of radioactive material;

(b) for the competent authorities of destination, on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material:

Provided that any conditions imposed by the competent authorities of destination, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, may not be more stringent than those laid down for similar shipments within those Member States.

(4) The Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, which gave consent to transit for a given shipment may not refuse to give consent to reshipment in the following cases:

(a) when the initial consent concerned material being shipped for treatment or reprocessing purposes, if the reshipment concerns radioactive waste or other products equivalent to the original material after treatment or reprocessing, and all relevant legislation is respected; and

(b) under the circumstances described in regulation 21 hereof, if the reshipment is undertaken on the same conditions and with the same specifications.

Authorisation of shipments.

19. (1) If all the consents necessary for shipment have been given, the competent authorities of the Member State of origin shall be entitled to authorise the holder to carry out the shipment and shall inform the competent authorities of the Member State of destination, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, accordingly.

(2) The authorisation referred to in sub-regulation (1) hereof shall not in any way affect the responsibility of the holder, the transporters, the owner, the consignee or any other natural or legal person involved in the shipment.

(3) A single authorisation may cover more than one shipment, where the conditions set out in sub-regulation (2) of regulation 15 hereof are met.

(4) Any authorisation shall be valid for a period of not more than three years:

Provided that, when establishing this period of validity, the Competent Authority, as competent authority of the Member State of transit, shall take into account any conditions set out in the consent given by the competent authorities of the Member State of destination, and the competent authorities of the other Member States of transit, if any.

Acknowledgement of receipt of the shipment.

20. (1) Within fifteen days of receipt of each shipment, the consignee shall send an acknowledgement of receipt to the competent authorities of the Member State of destination.

(2) The competent authorities of the Member State of destination shall send copies of the acknowledgement of receipt of the shipment to the competent authorities of the Member State of origin, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of any other Member State or third country of transit, if any.

(3) The competent authorities of the Member State of origin shall send a copy of the acknowledgement of receipt of the shipment to the original holder.

Shipment failure.

21. (1) The competent authorities of the Member State of origin, the competent authorities of the Member State of destination, the Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with these regulations, or are not in accordance with the authorisations or consents given pursuant to these regulations:

Provided that such Member State shall forthwith inform the competent authorities of the other Member States involved in the shipment of this decision.

(2) Where a shipment cannot be completed or if the conditions for shipment are not complied with in accordance with these regulations, the competent authorities of the Member State of origin shall ensure that the radioactive waste or the spent fuel in question is taken back by the holder, unless an alternative safe arrangement can be made:

Provided that these competent authorities shall ensure that the person responsible for the shipment takes corrective safety measures where necessary.

(3) The holder shall be liable for costs arising in cases where the shipment cannot or may not be completed.

PART V

INTRA-COMMUNITY SHIPMENTS DESTINED TO MALTA

Application for authorisation of shipment.

22. (1) A holder who plans to carry out an intra-Community shipment of radioactive waste or spent fuel or to arrange for such a shipment to be carried out, shall submit a duly completed application for authorisation to the competent authorities of the Member State of origin.

(2) The application may be sent in respect of more than one shipment, provided that:

(a) the radioactive waste or the spent fuel to which it relates essentially shall have the same physical, chemical and radioactive characteristics; and

(b) the shipments shall be made from the same holder to the same consignee and involve the same competent authorities, and

(c) where shipments involve transit through third countries, such transit shall be via the same frontier post of entry to and, or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

Transmission of the application to the competent authorities.

23. (1) The competent authorities of the Member State of origin shall send the duly completed application referred to in regulation 22 hereof for consent to the Competent Authority as competent authority of the Member State of destination, and the competent authorities of the Member States of transit, if any.

(2) The Competent Authority, as competent authority of the Member State of destination, shall take the necessary measures to ensure that all information regarding shipments covered by these regulations shall be handled with due care and protected against any misuse.

Acknowledgement of receipt of application and request for information.

24. (1) Within twenty days following the receipt of the application, the Competent Authority as competent authority of the Member State of destination, and the competent authorities of the Member States of transit, if any, shall verify that the application is duly completed.

(2) In case the application is duly completed, the Competent Authority, as competent authority of the Member State of destination, shall send an acknowledgement of receipt of application to the

competent authorities of the Member State of origin and copy it to the other competent authorities concerned, not later than ten days after expiry of the twenty day period set out in sub-regulation (1) hereof.

(3) If any of the competent authorities of the Member States concerned consider that the application is not duly completed, they shall request the missing information from the competent authorities of the Member State of origin and inform the other competent authorities of such request:

Provided that this request shall be made not later than the expiry of the period set out in sub-regulation (1) of this regulation.

(4) The competent authorities of the Member State of origin shall transmit the requested information to the competent authorities concerned.

(5) Not later than ten days after the date of receipt of the missing information and not earlier than after expiry of the twenty day period set out in sub-regulation (1) hereof, the Competent Authority as competent authority of the Member State of destination, shall send an acknowledgement of receipt of application to the competent authorities of the Member State of origin and copy it to the other competent authorities concerned.

(6) The time periods set out in sub-regulations (1), (2), (3), (4) and (5) hereof for issuing the acknowledgement of receipt of application may be shortened if the Competent Authority as competent authority of the Member State of destination, and the competent authorities of transit are satisfied that the application is duly completed.

Consent and refusal.

25. (1) Not later than two months from the date of acknowledgement of receipt of application, the competent authorities of all Member States concerned shall notify the competent authorities of the Member State of origin of their consent, or of the conditions which they consider necessary for giving their consent, or of their refusal to grant consent:

Provided that the Competent Authority as competent authority of the Member State of destination, and the competent authorities of any Member State of transit may request a further period of not more than one month in addition to the period referred to in the sub-regulation (1) hereof to make their position known.

(2) If upon expiry of the periods set out in sub-regulation (1) hereof, no reply has been received from the Competent Authority as competent authority of the Member State of destination, and/or the competent authorities of the intended Member State of transit, those

countries shall be deemed to have given their consent for the shipment requested.

(3) Reasons shall be given by the competent authorities for any refusal to grant consent, or for conditions attached to its consent, which shall be based:

(a) for the competent authorities of the Member States of transit, on the relevant national, Community or international legislation applicable to the transport of radioactive material;

(b) for the Competent Authority, as competent authority of the Member State of destination, on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material:

Provided that any conditions imposed by the competent authorities of the Member States of transit or the Competent Authority as competent authority of the Member State of destination, may not be more stringent than those laid down for similar shipments within those Member States.

(4) The competent authorities of the Member State or States of transit which gave consent to transit for a given shipment may not refuse to give consent to reshipment in the following cases:

(a) when the initial consent concerned material being shipped for treatment or reprocessing purposes, if the reshipment concerns radioactive waste or other products equivalent to the original material after treatment or reprocessing, and all relevant legislation is respected;

(b) under the circumstances described in regulation 28 hereof, if the reshipment is undertaken on the same conditions and with the same specifications.

Authorisation of shipments.

26. (1) If all the consents necessary for shipment have been given, the competent authorities of the Member State of origin shall be entitled to authorise the holder to carry out the shipment and shall inform the Competent Authority as competent authority of the Member State of destination, and the competent authorities of any Member State or third country of transit accordingly.

(2) The authorisation referred to in sub-regulation (1) hereof shall not in any way affect the responsibility of the holder, the transporters, the owner, the consignee or any other natural or legal person involved in the shipment.

(3) A single authorisation may cover more than one shipment, where the conditions set out in sub-regulation (2) of regulation 22 hereof are met.

(4) Any authorisation shall be valid for a period of not more than three years:

Provided that, when establishing this period of validity, the Competent Authority shall take into account any conditions set out in the consent given by the Competent Authority as competent authority of the Member State of destination, or the competent authorities of the Member States of transit.

Acknowledgement of receipt of the shipment.

27. (1) Within fifteen days of receipt of each shipment, the consignee shall send the Competent Authority as competent authority of the Member State of destination, an acknowledgement of receipt.

(2) The Competent Authority as competent authority of the Member State of destination, shall send copies of the acknowledgement of receipt of the shipment to the competent authorities of the Member State of origin and any Member State or third country of transit.

(3) The competent authorities of the Member State of origin shall send a copy of the acknowledgement of receipt of the shipment to the original holder.

Shipment failure.

28. (1) The Competent Authority as competent authority of the Member State of destination, and the competent authorities of the Member State of origin or transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with these regulations, or are not in accordance with the authorisations or consents given pursuant to these regulations:

Provided that such Member State shall forthwith inform the competent authorities of the other Member States involved in the shipment of this decision.

(2) Where a shipment cannot be completed or if the conditions for shipment are not complied with in accordance with these regulations, the competent authorities of the Member State of origin shall ensure that the radioactive waste or the spent fuel in question is taken back by the holder, unless an alternative safe arrangement can be made:

Provided that these competent authorities shall ensure that the person responsible for the shipment takes corrective safety measures where necessary.

(3) The holder shall be liable for costs arising in cases where the shipment cannot or may not be completed.

PART VI

EXTRA-COMMUNITY SHIPMENTS ORIGINATING FROM MALTA

Exports out of Malta.

29. (1) Where radioactive waste or spent fuel is to be exported from Malta to a third country, the holder shall submit an application for authorisation to the Competent Authority as competent authority of the Member State of origin:

Provided that the application may be sent in respect of more than one shipment, under the conditions set out in sub-regulation (2) of regulation 8 hereof.

(2) The Competent Authority as competent authority of the Member State of origin, shall:

(a) notify the competent authorities of the country of destination of the planned shipment and ask their consent; and

(b) send the application referred to in sub-regulation (1) hereof for consent to the competent authorities of the Member States of transit, if any:

Provided that regulation 10 of these regulations shall apply.

(3) If all the consents necessary for shipment have been given, the Competent Authority as competent authority of the Member State of origin, shall be entitled to authorise the holder to carry out the shipment and shall inform the competent authorities of the third country of destination and of any Member State or third country of transit accordingly:

Provided that sub-regulations (2), (3) and (4) of regulation 12 hereof shall apply.

(4) The holder shall notify the Competent Authority as competent authority of the Member State of origin, that the radioactive waste or spent fuel has reached its destination in the third country within fifteen days of the date of arrival and shall indicate the last customs post in the Community through which the shipment passed:

Provided that the notification shall be substantiated by a declaration or certification by the consignee stating that the radioactive waste or spent fuel has reached its proper destination and indicating the customs post of entry in the third country.

(5) The Competent Authority, as competent authority of the Member State of origin, or the competent authorities of any Member State of transit may decide that the shipment may not be completed if

the conditions for shipment are no longer complied with in accordance with these regulations, or are not in accordance with the authorisations or consents issued pursuant to these regulations:

Provided that such competent authorities of Member State of transit shall forthwith inform the Competent Authority, as competent authority of the Member State of origin, of this decision:

Provided also that sub-regulations (2) and (3) of regulation 14 hereof, shall apply.

Prohibited exports.

30. (1) The Competent Authority as competent authority of the Member State of origin, shall not authorise shipments:

(a) to a destination south of latitude 60° south; or

(b) to 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, without prejudice to sub-regulation (3) and (4) of regulation 4 hereof, or

(c) to a third country which does not, in the opinion of the Competent Authority as competent authority of the Member State of origin, in accordance with the criteria referred to in sub-regulation (1b) of this regulation, have the administrative and technical capacity and regulatory structure to manage the radioactive waste or spent fuel safely, as stated in the Joint Convention:

Provided that in coming to an opinion on this issue, the Competent Authority as competent authority of the Member State of origin, shall take duly into account any relevant information from the competent authorities of other Member States.

PART VII

EXTRA-COMMUNITY SHIPMENTS TRANSITING THROUGH MALTA

Transit through the Community where Malta is the first Member State of transit.

31. (1) Where radioactive waste or spent fuel is to enter the Community from a third country and the country of destination is not a Member State, the natural or legal person who has the responsibility for managing the shipment within Malta through whose customs post radioactive waste or spent fuel is first to enter the Community shall submit an application for authorisation to the Competent Authority, as competent authority of the first Member State of transit:

Provided that the application may be sent in respect of more than one shipment, under the conditions set out in sub-regulation (2) of regulation 15 hereof.

Provided also that the application shall include evidence that the consignee established in the third country has made an arrangement with the holder established in the third country, and accepted by the competent authorities of that third country, obliging that holder to take back radioactive waste or the spent fuel where a shipment cannot be completed in accordance with these regulations, as provided for in sub-regulation (5) of this regulation.

(2) The Competent Authority as competent authority of the first Member State of transit, shall send the application referred to in sub-regulation (1) hereof for consent to the competent authorities of other Member States of transit, if any.

Provided that regulations 17 and 18 hereof shall apply.

(3) If all the consents necessary for shipment have been granted, the Competent Authority as competent authority of the first Member State of transit, shall be entitled to authorise the person responsible referred to in sub-regulation (1) hereof to carry out the shipment and shall inform the competent authorities of any other Member State or third country of transit or of origin accordingly:

Provided that sub-regulations (2), (3) and (4) of regulation 19 hereof shall apply.

(4) The person responsible referred to in sub-regulation (1) hereof shall notify the Competent Authority as competent authority of the first Member State of transit, that the radioactive waste or spent fuel has reached its destination in the third country within fifteen days of the date of arrival and shall indicate the last customs post in the Community through which the shipment passed:

Provided that the notification shall be substantiated by a declaration

or certification by the consignee stating that the radioactive waste or spent fuel has reached its proper destination and indicating the customs post of entry in the third country.

(5) The competent authorities of a Member State of transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with these regulations, or are not in accordance with the authorisations or consents issued pursuant to these regulations:

Provided that such Member State shall forthwith inform the competent authorities of the country of origin of this decision:

Provided also that the person responsible referred to in sub-regulation (1) of this regulation shall be liable for costs arising in cases where the shipment cannot or may not be completed.

Transit through the Community where Malta is not the first Member State of transit.

32. (1) Where radioactive waste or spent fuel is to enter the Community from a third country and the country of destination is not a Member State, the natural or legal person who has the responsibility for managing the shipment within the Member State through whose customs post radioactive waste or spent fuel is first to enter the Community (first Member State of transit) shall submit an application for authorisation to the competent authorities of that Member State:

Provided that the application may be sent in respect of more than one shipment, under the conditions set out in sub-regulation (2) of regulation 15 hereof:

Provided also that the application shall include evidence that the consignee established in the third country has made an arrangement with the holder established in the third country, and accepted by the competent authorities of that third country, obliging that holder to take back radioactive waste or the spent fuel where a shipment cannot be completed in accordance with these regulations, as provided for in sub-regulation (5) hereof.

(2) The competent authorities of the first Member State of transit shall send the application referred to in sub-regulation (1) hereof for consent to the Competent Authority, as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any:

Provided that regulations 17 and 18 hereof shall apply.

(3) If all the consents necessary for shipment have been granted, the competent authorities of the first Member State of transit shall be entitled to authorise the person responsible referred to in sub-regulation (1) hereof to carry out the shipment and shall inform the

Competent Authority as competent authority of the Member State of transit, the competent authorities of any other Member State or third country of transit or of origin accordingly:

Provided that sub-regulations (2), (3) and (4) of regulation 19 hereof shall apply.

(4) The person responsible referred to in sub-regulation (1) hereof shall notify the competent authorities of the first Member State of transit that the radioactive waste or spent fuel has reached its destination in the third country within fifteen days of the date of arrival and shall indicate the last customs post in the Community through which the shipment passed:

Provided that the notification shall be substantiated by a declaration or certification by the consignee stating that the radioactive waste or spent fuel has reached its proper destination and indicating the customs post of entry in the third country.

(5) The Competent Authority as competent authority of the Member State of transit, and the competent authorities of the other Member States of transit, if any, may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with these regulations, or are not in accordance with the authorisations or consents issued pursuant to these regulations:

Provided that such Member State shall forthwith inform the competent authorities of the country of origin of this decision:

Provided also that the person responsible referred to in sub-regulation (1) hereof shall be liable for costs arising in cases where the shipment cannot or may not be completed.

PART VIII

EXTRA-COMMUNITY SHIPMENTS DESTINED TO MALTA

Imports into Malta.

33. (1) Where radioactive waste or spent fuel falling within the scope of these regulations is to enter the Community from a third country and the country of destination is Malta, the consignee shall submit an application for authorisation to the Competent Authority as competent authority of the Member State of destination:

Provided that the application may be sent in respect of more than one shipment, under the conditions set out in sub-regulation (2) of regulation 22 hereof.

Provided also that the application shall include evidence that the consignee has made an arrangement with the holder established in the third country, and which has been accepted by the competent authorities of that third country, obliging that holder to take back the radioactive waste or the spent fuel where a shipment cannot be completed in accordance with these regulations, as provided for in sub-regulation (5) of this regulation.

(2) The Competent Authority as competent authority of the Member State of destination, shall send the application referred to in sub-regulation (1) hereof for consent to the competent authorities of the Member States of transit, if any:

Provided that regulations 24 and 25 hereof shall apply.

(3) If all the consents necessary for the shipment have been granted, the Competent Authority as competent authority of the Member State of destination, shall be entitled to authorise the consignee to carry out the shipment and shall inform the competent authorities of any Member State or third country of origin or of transit accordingly:

Provided that sub-regulations (2), (3) and (4) of regulation 26 hereof shall apply.

(4) Within fifteen days of receipt of the shipment, the consignee shall send the Competent Authority, as competent authority of the Member State of destination, an acknowledgement of receipt of each shipment:

Provided that the Competent Authority as competent authority of the Member State of destination, shall send copies of the acknowledgement to the country of origin and to any Member State or third country of transit.

(5) The Competent Authority as competent authority of the Member State of destination, or the competent authorities of any Member State of transit may decide that the shipment may not be completed if the conditions for shipment are no longer complied with in accordance with these regulations, or are not in accordance with the authorisations or consents issued pursuant to these regulations:

Provided that such Member State shall forthwith inform the competent authorities of the country of origin of this decision.

(6) The consignee shall be liable for costs arising in cases where the shipment cannot or may not be completed.

PART IX

ENFORCEMENT

Offences under these regulations.

34. Any person shall be guilty of an offence under these regulations if:

(a) he fails to comply with any provisions of these regulations or fails to comply with permit conditions or with any order lawfully given in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) he acts in contravention of any of the provisions of these regulations; or

(d) he conspires, attempts, aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions (including any order lawfully given in terms of any of the provisions of these regulations) or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

Penalties.

35. Any person who commits an offence against these regulations shall, on conviction, be liable:

(a) on a first conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69), but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37);

(b) on a second conviction or subsequent convictions, to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37), but not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided also that the court may order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the Competent Authority mentioned in

these regulations as a result of the said offence, the revocation of the permit issued by the Competent Authority and the confiscation of the *corpus delicti*, including the vehicle, if applicable.

Applicability of the Criminal Code. Cap. 9.

36. (1) The provisions of articles 23 and 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against these regulations shall be held before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

Revokes L.N. 338 of 2001.

37. The Supervision and Control of Shipments of Radioactive Waste Regulations, 2001 are hereby being revoked.

Schedule 1

(Regulation 5)

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-1

APPLICATION FOR AUTHORISATION OF SHIPMENT(S) OF RADIOACTIVE WASTE

(1)	**Type of shipment** *(tick the appropriate box):* □ **Type MM:** Shipment between Member States *(via one or more Member States or third countries)* □ **Type IM:** Import into the Community □ **Type ME:** Export out of the Community □ **Type TT:** Transit through the Community
(2)	**Application for authorisation for** *(tick the appropriate box*): □ a single shipment_____ Planned period of execution:_____ □ several shipments: number *(planned)***:**_____ Planned period of execution:_____
(3)	**□ not applicable.** □ Type MM **shipment(s) via** one or more **third countries**: Frontier post of exit from the Community*:_____ Frontier post of entry to third country* *(first country crossed):*_____ Frontier post of exit from third country* *(last country crossed):*_____ Frontier post of return to the Community*:_____ *(*)These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.*
(4)	**Applicant** *(trade name):*_____ □ Holder (for Types MM, ME),____ □ Consignee (for Type IM), ___□ Other (for Type TT), to be specified: _____ Address:_____ Post code_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(5)	**Location** of the radioactive waste before shipment *(trade name):*_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(6)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax: _____ E-Mail:_____ Contact person: Mr/Ms_____
(7)	**Location** of radioactive waste after shipment:_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms:_____
(8)	**Nature of radioactive waste:**_____ Physicochemical characteristics *(tick as appropriate):* □ solid, □ liquid, □ gaseous, □ other (e.g. fissile, low dispersible,…), to be specified:_____ Main radionuclides**:**_____ Maximum alpha activity per shipment (GBq):_____ per package (GBq):_____ Maximum beta/gamma activity per shipment (GBq):_____ per package (GBq):_____ Total alpha activity (GBq):_____Total beta/gamma activity (GBq):_____ *(These values are estimates if the application relates to several shipments)*

(9)	Total number of packages:_____ Total net mass of shipment (kg):_____Total gross mass of shipment (kg):_____ *(These values are estimates if the application relates to several shipments)* Description of consignment :□ Plastic bags, □ metal drums (m^3):_____, □ ISO transport container (m^3):_____, □ other, to be specified:_____ Type of package[3] (*if known*):_____ Means of identification of the packages *(if labelling is used, annex examples):*_____
(10)	**Type of activity** giving rise to the radioactive waste *(tick as appropriate)*: □ medicine, □ research, □ (non-nuclear) industry, □ nuclear industry, □ other activity *(to be specified):*_____
(11)	**Purpose of the shipment:** □ Return of radioactive waste after (re)treatment or reprocessing of spent fuel □ Return of radioactive waste after treatment of radioactive waste □ Treatment, e.g. (re)packaging, conditioning, volume reduction □ Interim storage □ Return after interim storage □ Final disposal □ Other purpose *(to be specified)*:_____

(12)

Proposed mode of transport (*road, rail, sea, air, inland waterway)*	Point of departure:	Point of arrival:	Proposed Carrier *(if known):*
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

(13) **Sequential list** of countries concerned in the shipment *(the first country is that where the radioactive waste is held and the last is the country of destination)*

1.	3.	5.	7.
2.	4.	6.	8.

(14) In accordance with the provisions of Directive 2006/117/Euratom, I, the applicant, hereby:

1. **apply for authorisation** to make the shipment(s) of radioactive waste described above, and

2. **certify that the information provided above is correct** to the best of my knowledge and that the shipment(s) will be carried out in accordance with all the relevant statutory provisions, and

3.*(**Where the shipment is of Type MM or ME**) undertake to take back the radioactive waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled; or
*(**Where the shipment is of type IM or TT**) attach hereto the evidence of the arrangement between the consignee and the holder of the radioactive waste established in the third country, which has been accepted by the competent authority of the third country, stating that the holder in the third country will take back the radioactive waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled, unless an alternative safe arrangement can be made.

(*) Only one of the asterisked statements can apply: delete as applicable.

_____

(*Date and place)……(Stamp)……(Signature)*

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-2
ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION FOR RADIOACTIVE WASTE SHIPMENT– REQUEST FOR MISSING INFORMATION

(15)	**Name of the competent authority responsible for issuing the authorisation** _____ _____ Member State:_____ □ of origin[4], □ of destination[5], □ where the shipment first enters the Community[6] Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax.:_____ E-mail:_____ Contact person: Mr/Ms_____
	Date of receipt/registration:_____(dd/mm/yyyy)
(16)	**Name of the competent authority** concerned*:*_____ Member State or country of *(Tick as appropriate)* □ destination, □ transit, □ where the shipment first enters the Community, or □ origin[7]:_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(17)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby consider the **application** of _____(dd/mm/yyyy), received on _____(dd/mm/yyyy) (a)***not duly completed** and request the following missing information: (*Attach complete list of missing information (items), if space is not sufficient)*_____ _____ _____ _____ _____ _____ _____ _____ .....(*Date and place)*.....*(Stamp)*.....*(Signature)*..... (b)***duly completed** and acknowledge the receipt thereof. _____ .....*(Date and place)*.....*(Stamp)*.....*(Signature*)..... *(*) Only one of the asterisked statements can apply: delete as applicable*

[4] In case of a Type MM or type ME shipment
[5] In case of a Type IM shipment
[6] In case of a Type TT shipment
[7] Not required by the Directive, Country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-3
REFUSAL OR CONSENT OF THE RADIOACTIVE WASTE SHIPMENT BY THE COMPETENT AUTHORITIES CONCERNED

(18)	**Name of the competent authority concerned**:_____ Member State or Country *(tick and fill in as appropriate)* □ of origin[8], □ of destination[9], □ of transit[10] :_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-Mail:_____ Contact person: Mr/Ms_____
(19)	***) General deadline for automatic approval** _____(dd/mm/yyyy)
	***)** Request for additional period of not more than one month, **extended deadline for automatic approval:** _____(dd/mm/yyyy)
	_____ *(Date and place)…… (Stamp)…… (Signature)……..* *(*) Only one of the asterisked statements can apply: delete as applicable*
(20)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby ****refuse consent** for the following reasons *(attach complete list of reasons, if space is not sufficient):*_____ _____ _____ _____ _____ *(Date and place)…… (Stamp)…… (Signature)……*
	****grant consent** under the following conditions *(attach complete list, if space is not sufficient):*_____ _____ _____ _____ _____ ……..*(Date and place)……..(Stamp)……(Signature)……..* *(**) Only one of the asterisked statements can apply: delete as applicable*

[8] Not required by the Directive, country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments.

[9] In case of a Type MM or ME shipment

[10] In case of Type MM, IM, ME or TT shipments, if one or more Member States of transit are concerned.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-4a
AUTHORISATION OF RADIOACTIVE WASTE SHIPMENT

(21) **Name of competent authority responsible** for issuing the authorisation of the shipment:

_____

Member State *(fill in and tick as appropriate)*:_____
□ of origin, □ of destination or □ by way of which the waste enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(22) **Sequential list** of consents and/or refusals of the countries concerned in the shipment:

Member State or Country	Consent granted?	List of conditions for consent, if any:	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

(23) The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.[11]

The competent authorities of the countries concerned are informed that

the single shipment*
several shipments*
of the radioactive waste as described in Section A-1, has/have been

AUTHORISED

Date of expiry of authorisation: _____(dd/mm/yyyy)

_____
…… (Date and place)…….. (Stamp) …… (Signature)……
(*) only one asterisked statement can apply, delete as appropriate.

[11] This authorisation in no way diminishes the responsibility of the holder, carrier, owner, consignee or any other physical or legal person concerned in the shipment.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-4b
REFUSAL OF RADIOACTIVE WASTE SHIPMENT

(24) **Name of competent authority responsible** for issuing the refusal of the shipment:_____
_____
Member State *(fill in and tick as appropriate)*:_____
□ of origin, _____□ of destination __□ of transit, _or □ by way of which the waste enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(25) **Sequential list** of consents and/or refusals of the countries concerned:

Member State/ Country	Consent granted?	List of conditions for consent, if any, or reasons for refusal	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom. The competent authorities of the countries concerned are informed that

the single shipment*
several shipments*
of the radioactive waste as described in Section A-1, has/have been

REFUSED

_____
……(Date and place)……..(Stamp) ……(Signature)

(*) only one asterisked statement can apply, delete as appropriate.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-5
DESCRIPTION OF RADIOACTIVE WASTE CONSIGNMENT AND LIST OF PACKAGES

(26) **Applicant** *(Trade name):*_____
□ Holder,____ □ Consignee,____□ Other, to be specified:_____
Address:_____
Post code:_____ Town:_____ Country:_____
Tel.:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms:_____

(27) **Date of expiry of the authorisation** _____(dd/mm/yyyy), covering
□ a single shipment, or □ several shipments, serial number of the shipment: _____

(28) **Nature of radioactive waste**
Physicochemical characteristics *(tick as appropriate):* □ solid, □ liquid, □ gaseous, □ other (e.g. fissile, low dispersible), to be specified:_____
Main radionuclides**:**_____
Maximum alpha activity/package (GBq):_____
Maximum beta/gamma activity/package (GBq):_____
Total alpha activity (GBq):_____Total beta/gamma activity (GBq):_____

(29)

*Identification number	*Type [12]	*Gross mass (kg)	*Net mass (kg)	*Activity (GBq)
Total number:	Total/type:	Total:	Total:	Total:

(*)To be completed for each package, attach separate list, if space is not sufficient!

(30) **Date of origin of the shipment**: _____ (dd/mm/yyyy)
I hereby certify that the information provided in this section (and in the attached list or documents) is correct to the best of my knowledge.

_____
……(Date and place)……..(Stamp) ……(Signature)

[12] According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1 , IAEA, Vienna, 2005

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION A-6
ACKNOWLEDGEMENT OF RECEIPT OF THE RADIOACTIVE WASTE

(31)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ ___Fax:_____ E-mail:_____ Contact person:_____
(32)	**Location where the radioactive waste is held** after the shipment:_____ Address:_____ Post code_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(33)	Authorisation granted for (*tick as appropriate):* □ a single shipment of Type MM or IM, □ a single shipment of Type ME or TT □ several shipments of Type MM or IM, Serial number of shipment: _____ Last shipment covered by the authorisation: □Yes □No □ several shipments of Type ME or TT, Serial number of shipment: _____ Last shipment covered by the authorisation: □Yes □No
(34)	□ **Not applicable.** □ Shipments of type ME or TT *(this item may be replaced by a separate declaration, fill in reference to attachment):* **Frontier post of entry to the third country of destination or transit:_____** Third country:_____ Frontier post:_____
(35)	Depending on the type of shipment, the consignee must send the acknowledgement of receipt together with section A-5 • *(Type MM or IM):* to the competent authority of the Member State of destination, • *(Type ME or TT):* to the applicant (Type ME: to the holder, Type TT: to the person responsible for the shipment in the Member State by way of which the waste enters the Community) as referred to as in item 4 (section A-1). **Date of receipt of the radioactive waste:**_____(dd/mm/yyyy) **Date of origin** of the acknowledgement of receipt*:*_____(dd/mm/yyyy) I, the consignee, hereby certify that the information provided in this section *(and the attached list)* is correct to the best of my knowledge. _____ *……(Date and place)……..(Stamp) ……(Signature)*
(36)	□ **Not applicable**. □ **Shipments of type ME or TT***:* the applicant forwards the acknowledgement of receipt and, where appropriate, the consignee's declaration to the authority which issued the authorisation. 1. A consignee located outside the European Union may acknowledge receipt of the radioactive waste by means of a declaration or certificate providing at least the information contained in items 31 to 36. 2. The competent authority which receives the original acknowledgement of receipt must send copies of it to the other competent authorities.

	3. The originals of sections A-5 and A-6 must be sent finally to the competent authority which issued the authorisation. 4. For shipments between Member States, the competent authority of the Member State of origin or where the shipment first enters the Community must send a copy of the acknowledgement of receipt to the holder.	
	Date of forwarding of the acknowledgement of receipt (together with section A-5): _____(dd/mm/yyyy)	Frontier post of exit from the Community:
	Country:	Post:
	_____ *(Date and place)……..(Stamp) ……(Signature of the applicant)*	

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-1
APPLICATION FOR AUTHORISATION OF SHIPMENT(S) OF SPENT FUEL

(1)	**Type of shipment** *(tick the appropriate box):* □ **Type MM:** Shipment between Member States *(via one or more Member States or third countries)* □ **Type IM:** Import into the Community □ **Type ME:** Export out of the Community □ **Type TT:** Transit through the Community
(2)	**Application for authorisation for** *(tick the appropriate box*):_____ □ a single shipment_____ Planned period of execution:_____ □ several shipments: number *(planned)*:_____ Planned period of execution:_____
(3)	□ **Not applicable.** □ **Type MM shipment(s) via** one or more **third countries**: Frontier post of exit from the Community*:_____ Frontier post of entry to third country* *(first country crossed):*_____ Frontier post of exit from third country* *(last country crossed):*_____ Frontier post of return to the Community*:_____ *(*)These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.*
(4)	**Applicant** *(trade name):*_____ □ Holder (for Types MM, ME), □ Consignee (for Type IM), □ Other (for Type TT), to be specified: _____ Address:_____ Post code_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(5)	**Location** of the spent fuel before shipment *(trade name):*_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(6)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax: _____ E-mail:_____ Contact person: Mr/Ms_____
(7)	**Location** of spent fuel after shipment:_____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms:_____
(8)	**Type of spent fuel:** □ uranium metal, □ uranium dioxide, □ mixed oxide (MOX), □ other, please specify: _____ **Original fissile content**: □ uranium-235_____[maximum enrichment…….%] □ MOX_____ [nominal uranic enrichment…….%] _____ [maximum plutonium content…….%] □ other, please specify_____ **Fuel burn up (average or typical range):**_____MWdays/teHM
(9)	Total number of packages (e.g. flasks):_____ Total number of assemblies/bundles/elements/rods (specify):_____ Total net mass (kg):_____ Total gross mass (kg):_____

	(These values are estimates if the application relates to several shipments) Description of consignment (e.g. flasks):_____ Type of package[13] (*if known*):_____ Maximum spent fuel content per package (kg):_____ Means of identification of the packages *(if labelling is used, annex examples):*_____
(10)	**Type of activity** giving rise to the spent fuel *(tick as appropriate)*_____ □ research, □ commercial nuclear power, □ other activity *(to be specified):*_____
(11)	**Purpose of the spent fuel shipment:** □ (Re)treatment or reprocessing □ Interim storage □ Return after interim storage □ Final disposal □ Other purpose *(to be specified)*:_____

(12)

Proposed mode of transport *(road, rail, sea, air, inland waterway)*	Point of departure:	Point of arrival:	Proposed carrier *(if known):*
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

(13) **Sequential list** of countries concerned in the spent fuel shipment *(the first country is that where the spent fuel is held and the last is the country of destination)*

1.	3.	5.	7.
2.	4.	6.	8.

(14) In accordance with the provisions of Directive 2006/117/Euratom, I, the applicant, hereby:
1. Apply for authorisation to make the shipment(s) of spent fuel described above, and
2. certify that the information provided above is correct to the best of my knowledge and that the shipment(s) will be carried out in accordance with all the relevant statutory provisions, and
3. *(Where the shipment is of Type MM or ME) undertake to take back the spent fuel if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled; or
***(Where the shipment is of type IM or TT)** attach hereto the evidence of the arrangement between the consignee and the holder of the spent fuel established in the third country, which has been accepted by the competent authority of the third country, stating that the holder in the third country will take back the spent fuel if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled.
(*) Only one of the asterisked statements can apply: delete as applicable

_____
(Date and place)……(Stamp)……(Signature)

[13] According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1, IAEA, Vienna, 2005

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-2
ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION FOR SPENT FUEL SHIPMENT(S) – REQUEST FOR MISSING INFORMATION

(15)	**Name of the competent authority responsible for issuing the authorisation:**_____ _____ Member State:_____ □ of origin[14], □ of destination[15], or □ where the spent fuel first enters the Community[16] Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax.:_____ E-mail:_____ Contact person: Mr/Ms_____
	Date of receipt/registration:_____(dd/mm/yyyy)
(16)	**Name of the competent authority** concerned*:*_____ Member State or country of *(Tick as appropriate*) □ destination, □ transit, □ where the shipment first enters the Commmunity, or □ origin[17], _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(17)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby consider the **application** of_____ (dd/mm/yyyy), received on _____(dd/mm/yyyy) (a)***not duly completed** and request the following missing information: *(Attach complete list of missing information (items), if space is not sufficient*)_____ _____ _____ _____ _____ _____ _____ *.....(Date and place)……(Stamp)……..(Signature)* (b)***duly completed** and acknowledge the receipt thereof _____ *.....(Date and place)……(Stamp)……..(Signature)* *(*) Only one of the asterisked statements can apply: delete as applicable*

[14] In case of a Type MM or type ME shipment
[15] In case of a Type IM shipment
[16] In case of a Type IM or TT shipment
[17] Not required by the Directive, Country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-3
REFUSAL OR CONSENT OF SPENT FUEL SHIPMENT(S) BY THE COMPETENT AUTHORITIES CONCERNED

(18)	**Name of the competent authority** concerned: _____ Member State or Country of *(tick and fill in as appropriate)* □ origin[18], □ destination[19], transit[20]: _____ Address: _____ Post code: _____ Town: _____ Country: _____ Tel: _____ Fax: _____ E-mail: _____ Contact person: Mr/Ms _____
(19)	***) General deadline for automatic approval:** _____(dd/mm/yyyy)
	***)** Request for additional period of not more than one month, **extended deadline for automatic approval:** _____(dd/mm/yyyy)
	_____ *(Date and place)…….. (Stamp)…….. (Signature)……..* *(*) Only one of the asterisked statements can apply: delete as applicable*
(20)	In accordance with the provisions of Directive 2006/117/Euratom, I hereby ****refuse consent** for the following reasons *(attach complete list of reasons, if space is not sufficient):* _____ _____ _____ _____ _____ *(Date and Place)…….. (Stamp)…….. (Signature)……..*
	****grant consent** under the following conditions *(attach complete list, if space is not sufficient):* _____ _____ _____ _____ _____ (*Date and place)…….. (Stamp)…….. (Signature)……..* *(**) Only one of the asterisked statements can apply: delete as applicable*

[18] Not required by the Directive, Country of origin may be consulted on a voluntary basis in case of Type TT and IM shipments.
[19] In case of a Type MM or ME shipments
[20] In case of Type MM, IM, ME or TT shipment, if one or more Member States of transit are concerned.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-4a
AUTHORISATION OF SPENT FUEL SHIPMENT(S)

(21) **Name of competent authority responsible** for issuing the authorisation of the shipment:_____
_____
Member State *(fill in and tick as appropriate)*:_____
□ of origin, □ of destination, □ of transit or □ by way of which the spent fuel enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(22) **Sequential list** of consents and/or refusals of the countries concerned in the shipment:

Member State/ Country	Consent granted?	List of conditions for consent, if any.	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

(23) The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.[21] The competent authorities of the countries concerned are informed that

the single shipment*
several shipments*
of spent fuel as described in Section B-1, has/have been

AUTHORISED

Date of expiry of authorisation: _____(dd/mm/yyyy)

_____
……(Date and place)……..(Stamp) ……(Signature)

(*) only one asterisked statement can apply, delete as appropriate).

[21] This authorisation in no way diminishes the responsibility of the holder, carrier, owner, consignee or any other physical or legal person concerned in the shipment.

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-4b
REFUSAL OF SPENT FUEL SHIPMENT(S)

(24) **Name of competent authority responsible** for issuing the refusal of the shipment:_____
_____
Member State *(fill in and tick as appropriate)*:_____
□ of origin, □ of destination, □ of transit or □ by way of which the spent fuel enters the Community
Address:_____
Post code:_____ Town:_____ Country:_____
Tel:_____ Fax:_____ E-mail:_____
Contact person: Mr/Ms_____

(25) **Sequential list** of consents and/or refusals of the countries concerned:

Member State/ Country	Consent granted?	List of conditions for consent, if any, or reasons for refusal	Reference to attachments
1.	YES/NO*		
2.	YES/NO*		
3.	YES/NO*		
4.	YES/NO*		
5.	YES/NO*		
6.	YES/NO*		
7.	YES/NO*		
8.	YES/NO*		

The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.

The competent authorities of the countries concerned are informed that

the single shipment*
several shipment(s)*
of spent fuel as described in Section B-1, has been

REFUSED

_____
……(Date and place)……..(Stamp) ……(Signature)

(*) only one asterisked statement can apply, delete as appropriate).

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-5
DESCRIPTION OF SPENT FUEL CONSIGNMENT AND LIST OF PACKAGES

(26) **Applicant** *(trade name):*_____
□ Holder,____ □ Consignee,____□ Other, to be specified:_____
Address:_____
Post code:_____ Town: _____Country:_____
Tel.:_____Fax:_____E-mail:_____
Contact person: Mr/Ms:_____

(27) **Date of expiry of the authorisation** _____(dd/mm/yyyy), covering
□ a single shipment, □ several shipments, serial number of the shipment:_____

(28) **Type of spent fuel:** □ uranium metal, □ uranium dioxide, □ mixed oxide (MOX), □ other, please specify:
_____

Original fissile content: □ uranium-235_____ [maximum enrichment……. %]
□ MOX_____ [nominal U-enrichment…… %] _____ [max. PU content……..….%]
□ other, please specify_____

Fuel burn up (average or typical range):_____MWd/tHM
Total number of assemblies/bundles/elements/rods (specify):_____
Maximum spent fuel content per package (kg):_____

(29)

*Identification no:	*Type[22]	*gross mass (kg)	*net mass (kg)	*activity (GBq)
Total number:	Total/type:	Total:	Total:	Total:

(*) to be completed for each package, attach separate list, if space is not sufficient!

(30) **Date of origin of the shipment**: _____ (dd/mm/yyyy)
I hereby certify that the information provided in this section (and in the attached list or documents) is correct to the best of my knowledge.

_____
…… (Date and place)…….. (Stamp) …… (Signature)……..

[22] According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1, IAEA, Vienna, 2005

Registration No: _____
(*To be completed by the competent authority responsible for issuing the shipments authorisation.)*

SECTION B-6
ACKNOWLEDGEMENT OF RECEIPT OF THE SPENT FUEL

(31)	**Consignee** *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person:_____
(32)	**Location where the spent fuel is held** after the shipment *(trade name):* _____ Address:_____ Post code:_____ Town:_____ Country:_____ Tel:_____ Fax:_____ E-mail:_____ Contact person: Mr/Ms_____
(33)	Authorisation granted for (*tick as appropriate):* □ a single shipment of Type MM or IM, □ a single shipment of Type ME or TT □ several shipments of Type MM or IM, Serial number of shipment: _____ _____Last shipment covered by the authorisation: □Yes □No □ several shipments of Type ME or TT, Serial number of shipment: _____ _____Last shipment covered by the authorisation: □Yes □No
(34)	□ not applicable. □ For shipments of type ME or TT: *(this item may be replaced by a separate declaration, fill in reference to attachment):* _____ **Frontier post of entry to the third country of destination or transit:**_____ Third country:_____ Frontier post:_____
(35)	Depending on the type of shipment, the consignee must send the acknowledgement of receipt together with section B-5 • *(Type MM or IM):* to the competent authority of the Member State of destination. • *(Type ME or TT):* to the applicant (Type ME: to the holder, Type TT: to the person responsible for the shipment in the Member State by way of which the spent fuel enters the Community) as referred to as in item 4 (section B-1). **Date of receipt** of the spent fuel:_____(dd/mm/yyyy) **Date of origin** of the acknowledgement of receipt*:*_____(dd/mm/yyyy) I, the consignee, hereby certify that the information provided in this section *(and the attached list)* is correct to the best of my knowledge. _____ *……(Date and place)……..(Stamp) ……(Signature)*
(36)	□ **Not applicable.** □ **For shipments of type ME or TT***:* the applicant forwards the acknowledgement of receipt and, where appropriate, the consignee's declaration to the authority which issued the authorisation. 1. A consignee located outside the European Communities may acknowledge receipt of the spent fuel by means of a declaration or certificate providing at least the information contained in items 31 to 36. 2. The competent authority which receives the original acknowledgement of receipt must send copies of it to the other competent authorities. 3. The originals of sections B-5 and B-6 must be sent finally to the competent authority which issued the authorisation. 4. For shipments between Member States, the competent authority of the Member State of origin or where the shipment first enters the Community must send a copy of the acknowledgement of receipt to the holder.

	Date of forwarding of the acknowledgement of receipt (together with section B-5): _____(dd/mm/yyyy)	Frontier post of exit from the Community: _____
	Country:	Post:
	_____ *(Date and place)……..(Stamp) ……(Signature of the applicant)*	

Schedule 2

(Regulation 5)

EXPLANATORY NOTES
to each item of the standard document sections A-1 to A-6 and B-1 to B-6:

Definition of a duly completed application: An application for the authorisation of a shipment of radioactive waste or spent fuel is duly completed in accordance with Directive 2006/117/Euratom, if – in case of shipments of radioactive waste – each item of section A-1, or – in case of shipments of spent fuel – each item of section B-1, contains the required information, either by ticking the relevant box, deleting (=crossing out) the non-applicable option or filling in the relevant data and values. In case of an application for several shipments, items 8 and 9 may contain estimates.

(1) The applicant must duly complete all items 1 to 14. In item 1 tick one of the boxes as applicable to define the type of shipment and fill in the relevant frontier posts in case third countries are concerned in the shipment,

(a) Tick Type MM for shipments between Member States, eventually passing through one or more other Member States or third countries.

(b) Tick Type IM for shipments from a third country to a Member State (= import into the Community), bearing in mind, that the application must include evidence that the consignee has made an arrangement with the holder established in the third country, and which has been accepted by the competent authority of that third country, obliging that holder to take back the radioactive waste or spent fuel where a shipment cannot or may not be completed.

(c) Tick Type ME for shipments from a Member State to a third Country (= export from the Community), or

(d) Tick Type TT for shipments from one third country to another third country passing one or more Member States, bearing in mind that the application must include evidence that the consignee established in the third country has made an arrangement with the holder established in the third country, and accepted by the competent authority of that third country, obliging that holder to take back radioactive waste or spent fuel where a shipment cannot or may not be completed.

(2) By ticking the relevant box, the applicant must state clearly whether the application covers only one shipment within a period of time (e.g. 05/2010, 2009 or 2010-2011) or whether the application covers more than one shipment within a period of time, but not more than a period of three years from the date of authorisation. A single application may be sent in respect of more than one

shipment, provided the following conditions are met as set out in Article 6(2) of the Directive 2006/117/Euratom:

(a) the radioactive waste or spent fuel to which it relates essentially has the same physical, chemical and radioactive characteristics; and

(b) the shipments are to be made from the same holder to the same consignee and involve the same competent authorities, and

(c) where the shipments involve transit through third countries, such transit is made via the same frontier post of entry to and/or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.

(3) The applicant must fill in the relevant frontier posts in case one or more third countries are concerned in the shipment. These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.

(4) **The applicant** must fill in his/her trade name, address and contact details. The trade name, also known as a trading name or a business name, is the name which a business trades under for commercial purposes, although its registered, legal name, used for contracts and other formal situations, may be another. The applicant must tick the appropriate box to define his/her function, which is the following, depending on the type of shipment:

(a) the holder in case of a shipment between Member States (Type MM) or an export from the Community into a third country (Type ME);

(b) the consignee in case of an import into the Community from a third country (Type IM);

(c) the person responsible for the shipment in the Member State by which the radioactive waste or spent fuel enters the Community in case of a transit through the Community (Type TT).

(5) **The applicant** must fill in the trade name, address and contact details of the location, where the radioactive waste or spent fuel is held before the shipment, which can be different from the address of the applicant.

(6) **The applicant** must fill in the trade name, address and contact details of the consignee. In case of shipment type IM, this information is identical with item 4.

(7) **The applicant** must fill in the trade name, address and contact details of the location, where the radioactive waste or spent fuel will be held after the shipment, which can be different from the address of the consignee.

(8) **The applicant** must complete all fields either by ticking the appropriate box (more than one answer is possible) or filling in the specific characteristics and values of the radioactive waste or spent fuel. These values may be estimates in case of several shipments.

(9) **The applicant** must complete item 9, the values may be estimates.

(10) **The applicant** must tick and define the type of activity giving rise to the radioactive waste or spent fuel and tick the appropriate box(es) or specify any other activity. More than one answer is possible.

(11) **The applicant** must define the purpose of the shipment and tick the appropriate box (only one answer is possible) or specify any other purpose.

(12) **The applicant** must list up, as planned, the different modes of transport foreseen for the shipment (road, rail, sea, air, inland waterway) and add accordingly the relevant point of departure, point of arrival and the planned carrier (if already known). Changes of this schedule at a later point during the application procedure are possible and should be notified to the competent authorities but do not require a new application for approval**.**

(13) **The applicant** must list up all countries concerned in the shipment, starting with the first Member State or third country where the radioactive waste or spent fuel is held and ending with the last Member State or third country, where it will be held after the completion of the shipment. Should the applicant whish to change the sequential list of countries, a new application is required.

(14) **The applicant** must declare who takes back the radioactive waste or spent fuel in case the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled. Where the shipment is of type IM or TT, the applicant must attach to the application evidence of an arrangement between the consignee in the Member State or third country of destination and the holder of the radioactive waste or spent fuel in the third country which has been approved by the competent authorities of the third country.

Having completed items 1 to 14 **the applicant** must send the section 1 of the standard document to the competent authority, which is responsible for issuing the authorisation for the shipment.

The **competent authority responsible for issuing the shipment authorisation** or refusal is the following, depending on the type of the shipment is:

- the competent authority of the Member State of origin in case of shipments between Member States (Type MM) and exports out of the Community (Type ME);

- the competent authority of the Member State of destination in case of an import into the Community (Type IM);

- the competent authority of the first Member State of transit, where the shipment enters the Community in case of a transit through the Community (Type TT).

  The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities.

(15) Immediately upon receipt of the application, the **competent authority responsible** for issuing the authorisation for the shipment must

(a) enter the registration number at the top of each section of the standard document, starting with section 1.

(b) verify that all items of section 1 have been duly completed by the applicant,

(c) complete item 15 of section 2 and make sufficient copies of sections 1, 2 and 3 for each Member State or Country concerned. Third countries of transit are consulted for information only.

(16) The **competent authority responsible** for the authorisation must

(a) complete, as appropriate, item 16 of section 2 (and 18 of section 3) for each competent authority of the Member States or Countries concerned as listed in item 13, whose consent is required for the shipment(s) to be authorised, and

(b) send the duly completed application (section 1) together with section 2 – without delay – for consent to each competent authority concerned named in item 16.

(17) Item 17 to be completed by the **competent authority of the Member State(s) concerned**. The date of the application and of receipt must be entered immediately upon receipt of the application. Within 20 days after the date of receipt the competent authority of the Member States concerned must verify, if the application is duly completed (all items 1 to 14 must be completed and no information may be missing; some values may be estimates). Only 17(a) or 17(b) can apply, please delete as applicable.

(a) If the competent authority of the Member State(s) of transit, if any, or of destination consider the application not duly completed, they must complete item 17(a), delete item 17(b) and notify their request for missing information to the competent authority responsible for issuing the authorisation (referred to as in item 15). They have to clearly state, which

information is missing (fill in or attach document). The competent authority requesting the missing information must send copies of section 2 to all other competent authorities of the Member States concerned referred to as in item 13 within a period of 20 days from the date of receipt of the application. The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities. If one Member State concerned considers the application not duly completed, the procedure is stopped. In this case, even if the competent authority of Member State of destination considers the application duly completed, they may not send an acknowledgement of receipt until the requested information has been received and no further request has been sent within 10 days after the receipt of the missing information. This procedure may be repeated until all missing information has been received and no further requests for missing information have been sent.

Not later than 10 days after expiry of the 20 days from the receipt of application, if no request for missing information has been received within the 20-days period and if the competent authority of the Member State concerned deems the application duly completed, it must send section 2 to the competent authority responsible for the authorisation as referred to as in item 15 and copies thereof to all other competent authorities of the Member States concerned as referred to as in item 13. The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities.

Shorter periods of time can be agreed between all competent authorities of the Member States concerned.

(b) In order to allow the competent authorities to request missing information within a period of 20 days after the receipt of the application, **the competent authority of the Member State of destination** must not issue their acknowledgement of receipt before the expiry of the 20 days deadline. Upon expiry of the 20-days deadline, if the competent authority of the Member States of destination consider the application duly completed and if either no other Member States are concerned or no other competent authority concerned requested missing information, it (the competent authority of the Member States of destination) must complete item 17(b).

(18) Immediately upon receipt of the acknowledgement of receipt of a duly completed application of the competent authority of the Member State of destination the **competent authority responsible for the authorisation** must verify if the deadlines have been respected, and complete item 18 of section 3 for each Member State concerned, as listed in item 13, whose consent is required for the shipment(s) to be authorised.

The competent authority concerned must make necessary additional entries in item 18.

(19) The **competent authority responsible for the authorisation** must fill in the general deadline for automatic approval, which applies to all Member States concerned. This expiry date is in general two months after the date of acknowledgement of receipt of the Member State of destination as referred to as in item 17(b). Then the competent authority responsible for the authorisation has to send section 3 on the consent or refusal to all Member States or Countries concerned.

Immediately upon receipt of section 3, **any competent authority concerned** must decide if a further period of time is needed to decide upon refusal or consent to the shipment. An additional period of up to one month may be requested by deleting the general deadline in item 19, filling in the new deadline and notifying the extended deadline to all competent authorities concerned.

(20) The **competent authority concerned** must give the application due consideration. Not later than the expiry of the deadline for the automatic approval, the competent authority concerned must complete item 20 and return the original copy of section 3 (scanned original if sent by e-mail) to the competent authority responsible for issuing the authorisation (as referred to as in item 15). In case consent is refused, reasons must be given and must be based (for Member States of Transit) on the relevant national, Community or international legislation applicable to the transport of radioactive material or - for Member States of destination - on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material. Any conditions imposed must not be more stringent than those laid down for similar shipments within Member States. Failure to complete and return the standard document by the due time shall be taken as deemed consent to the shipment application, subject to Article 9 (2) of Directive 2006/117/Euratom.

(21) The **competent authority responsible for issuing the shipment authorisation** must complete items 21 to 23, when all consents necessary for the shipment have been given by the competent authorities concerned, bearing in mind, that tacit consent is deemed to be given only provided that

(a) the acknowledgement of receipt has been received (at least) from the competent authority of the Member State of destination (as referred to as in item 17(b), and

(b) no request for missing information have been left unanswered, and

(c) no reply (neither consent nor refusal) has been received within the applicable deadlines as referred to as in item 19 from the competent authorities concerned.

(22) The **competent authority** referred to as in item 21 must list up or attach, if space provided is not sufficient, all consents (incl. conditions) and refusals (incl. reasons) received, if any, from all competent authorities concerned.

(23) The **competent authority** referred to as in item 21 must

(a) complete item 23 bearing in mind that the maximum period of validity for the authorisation is three years and that a single authorisation may cover more than one shipment, where the conditions set out in Article 6(2) of the Directive 2006/117/Euratom are met,

(b) send the original of section 4a to the applicant together with the sections 1, 4a, 5 and 6 and

(c) send copies of section 4a to all other competent authorities concerned.

(24) The **competent authority responsible for issuing the shipment authorisation** must complete items 24 to 25, if at least one of the competent authorities concerned did not give their consent to the shipment.

(25) The **competent authority** as referred to in item 24 must list up or attach all consents and refusals received, including all conditions and reasons for refusal and send the original copy of section 4b to the applicant and copies of this section to all other competent authorities concerned.

(26) If the shipment(s) has(ve) been authorised and **the applicant** has received sections 4a, 5 and 6, he/she must duly complete item 26. In case the application covers several shipments, he/she must make sufficient copies of section 5 for each shipment.

(27) **The applicant** must tick the appropriate box, indicating whether the authorisation covers a single shipment or several shipments. In case of several shipments, the appropriate serial number must be filled in.

(28) Before each shipment **the applicant** must duly complete item 28 to 30 (even if the authorisation relates to several shipments). In this section, the values must not be estimates!

(29) **The applicant** must duly complete item 29 (list of packages) and indicate at the bottom the total number of packages, the total number of each type of package, the total net mass, the total gross mass and the total activity (GBq) of all packages. If the place provided in the document is not sufficient, please attach a separate list with the information requested.

(30) **The applicant** must complete item 30 (date of origin and declaration) before each shipment of radioactive waste of spent fuel (even if the authorisation relates to several shipments). Together with sections 1 and 4a, section 5 accompanies the radioactive waste or spent fuel while it is being shipped. The description of

consignment and list of packages (section 5) is then attached to the section 6 (acknowledgement of receipt).

(31) **The consignee** (in case of MM and IM shipments), **the holder** (in case of ME shipments) or **the person responsible for the shipment** (in case of TT shipments) must duly complete items 31 to 35 (36, if applicable); any necessary additions being made by **the applicant**. However, a consignee located outside the European Community may acknowledge receipt of the radioactive waste or spent fuel by means of a declaration separate from the standard document.

(32) **The consignee** must duly complete the name, address and contact details of the place where the radioactive waste or spent fuel is held after the shipment.

(33) **The consignee** must complete item 33 (as referred to as in item 23) and indicate if the shipment received is the last shipment covered by the authorisation.

(a) In cases where the authorisation covers a single shipment of the types MM or IM, **the consignee** must complete section 6 within 15 days of receiving the radioactive waste or spent fuel and submit sections 5 and 6 to the competent authority of the Member State of destination. The **competent authority of the Member State of destination** then forward copies of sections 5 and 6 to the other competent authorities concerned (and, where appropriate, the original of these two sections to the competent authority who issued the authorisation). For shipments of the type MM, the **competent authority of the Member State of origin** must send a copy of the acknowledgement of receipt to the holder.

(b) In cases where the authorisation covers a single shipment of type ME or TT the applicant must ensure that the consignee located outside the European Community sends him section 5 and section 6 duly completed immediately on receipt of the radioactive waste or spent fuel. Section 6 may be replaced by a declaration on the part of the consignee providing at least the information contained in items 31to 36. Within 15 days after receipt of the radioactive waste or spent fuel, the applicant must forward section 5, section 6 (if the consignee did not use section 6, the applicant must complete it) and, where applicable, the consignee's declaration, to the competent authority which issued the authorisation. This authority must then send copies of sections 5 and 6, and, where applicable, the consignee's declaration, to the other competent authorities concerned.

(c) In cases where the authorisation covers several shipments of the types MM or IM, **the consignee** must complete section 6 after each shipment (having made several copies of a blank section 6 for this purpose) and submit this section directly to the competent authority which issued the authorisation. The consignee attaches section 5 relating to the same shipment.

(d) In cases where the authorisation covers several shipments of the types ME or TT **the applicant** must ensure that after each shipment the consignee located outside the European Communities completes for each shipment a (blank) copy of section 6 and returns it together with the appropriate section 5.

(34) **The consignee** must tick "not applicable" or complete item 34 for shipments of type ME or TT or attach a separate declaration and give the reference to the attachment

(35) **The consignee** must complete item 35 when the single shipment or all the shipments covered by the authorisation have been carried out. In cases where the authorisation covers several shipments the final acknowledgement of receipt is completed and submitted as if the authorisation were valid for a single shipment only except that:

(a) It is stated in item 30 of section 6 that the shipment in question is the last shipment covered by the authorisation.

(b) Any declaration made by a consignee located outside the European Communities must state that all the radioactive waste or spent fuel covered by the shipment authorisation has indeed arrived.

The consignee must send the section 6 (acknowledgement of receipt) together with section 5 depending on the type of shipment to the competent authority of the Member State of destination in case of Type MM or IM shipments, or to the applicant as referred to as in item 5 (section 1) in case of a Type ME or TT shipment. To provide an overview, the section 6 for each of the shipments covered by the authorisation must be attached to the final acknowledgement of receipt.

(36) The consignee must tick "not applicable" or complete item 36 in case of shipments of type ME or TT, or replace it by a separate declaration, referring to the attachment. The applicant must forward sections 5 and 6 to the authority which issued the authorisation. To provide an overview, the section 6 for each of the shipments covered by the authorisation must be attached to the final acknowledgement of receipt.

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