

Executive Order on Transboundary Shipments of Radioactive Waste and Spent Nuclear Fuel¹

Pursuant to Section 7(2), Section 15 and Section 26(3) of Act No. 23 of 15 January 2018 on Ionising Radiation and Radiation Protection (the Radiation Protection Act), the following shall apply:

Chapter 1

Scope and definitions

§ 1. This Executive Order lays down the authorisation and reporting procedures to be observed for transboundary shipments of radioactive waste and spent nuclear fuel if the activity and activity concentration of a consignment exceed the values in Annex 3 of Executive Order No. 670 of 1 July 2019 on Use of Radioactive Substances.

(2) This Executive Order shall not apply to:

- 1) shipments of sealed radioactive sources, which are no longer used or intended to be used pursuant to the authorisation granted for the sealed radioactive source, to a supplier or manufacturer of radiation sources or to another undertaking;
- 2) shipments of radioactive materials recovered through reprocessing for further use; and
- 3) shipments of waste containing only naturally-occurring radioactive material, which does not originate from human activity that can increase the exposure of individuals to radiation from a radiation source and is managed as a planned exposure situation.

§ 2. The application of the provisions of this Executive Order shall be subject to the definitions in Article 5 of Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent nuclear fuel ("the Directive").

Competent Authority

§ 3. The Danish Health Authority is the competent authority in Denmark in the Directive's sense of "competent authorities".

Authorisation

§ 4. Authorisation from the Danish Health Authority for shipments of radioactive waste and spent nuclear fuel must be obtained in advance in the following cases:

- 1) By the holder of the waste or the spent fuel when the shipment is to take place within the European Union and Denmark is the country of origin.
- 2) By the consignee who will be taking receipt of the waste or the spent fuel when this is to be imported into the European Union from a third country, and the destination country is Denmark.
- 3) By the natural or legal person who has the responsibility for managing the waste or the spent fuel in Denmark when the shipment is to be carried out from a third country to another third country, and Denmark is the first Member State of transit.
- 4) By the holder if the waste or the spent fuel is to be exported from the European Union and Denmark is the country of origin.

(2) Article 6(2), Article 13(1), second and third sentences, Article 14(1), second and third sentences, and Article 15(1), second sentence of the Directive concerning the scope and substantiation of the application for shipment authorisation shall apply

§ 5. Within 15 days of receipt in Denmark of an authorised shipment of radioactive waste or spent nuclear fuel, the consignee must send the Danish Health Authority an acknowledgement of receipt.

§ 6. Within 15 days of the date of arrival of the radioactive waste or the spent nuclear fuel at the destination in the third country, the person responsible or the holder who was granted authorisation by the Danish Health Authority pursuant to Section 4(1), No. 3 or No. 4 must notify the arrival to the Danish Health Authority.

(2) The notification must contain information about the last customs post in the European Union through which the shipment passed.

(3) The notification must furthermore be substantiated by a declaration or certification by the consignee in the third country stating that the radioactive waste or the spent fuel has reached its proper destination and contain information about the customs post of entry in the third country.

§ 7. The Danish Health Authority duly notifies and obtains the consent from other Member States and third countries, pursuant to Article 7(1), Article 13(2), Article 14(2) and Article 15(2) of the Directive, and otherwise abides by the procedures set out in Articles 7-16 of the

¹This Executive Order contains provisions implementing parts of Council Directive 2006/117/Euratom of 20. November 2006 on the supervision and control of shipments of radioactive waste and spent fuel.

Directive.

Standard document

§ 8. An application for authorisation in accordance with Section 4 and acknowledgement of receipt of radioactive waste or spent nuclear fuel pursuant to Section 5 must be submitted by means of a standard document; cf. 2008/312/Euratom: Commission Decision of 5 March 2008 establishing the standard document for the supervision and control of shipments of radioactive waste and spent nuclear fuel referred to in Council Directive 2006/117/Euratom. The standard document is available on the website of the Danish Health Authority, Radiation Protection, at www.sis.dk.

(2) The Danish Health Authority accepts standard documents in Danish and English.

(3) In cases where Denmark as the Member State of destination or transit is requested to give its consent for a shipment pursuant to Article 7(1), Article 13(2), Article 14(2) and Article 15(2) of the Directive, the holder must at the Danish Health Authority's request submit to the Danish Health Authority a certified translation into Danish or English of the standard document. In cases where the Danish Health Authority processes an application pursuant to Section 4 and another country is the destination or transit country, the holder must, at the request of a competent authority in the country concerned, submit a certified translation of the standard document into a language acceptable to that country's competent authority.

§ 9. The authorisation holder must ensure that any shipment in accordance with the authorisation is accompanied by the duly completed standard document.

Costs of non-completed shipments

§ 10. The authorisation holder shall be liable for costs arising in cases where a shipment cannot or may not be completed pursuant to the decisions of the Danish Health Authority or another Member State's competent authority in compliance with the Directive.

Appeals and penalties

§ 11. Appeals against decisions made by the Danish Health Authority pursuant to this Executive Order may be lodged solely with the Minister for Health if the appeal pertains to legal matters; cf. Section 25 of the Radiation Protection Act.

§ 12. Except where other legislation carries a higher penalty, any contravention of Sections 4-6 shall be punishable by a fine or by imprisonment for up to one year.

(2) Companies, etc. (legal persons) may be held criminally liable according to the rules of Chapter 5 of the Danish Criminal Code.

Entry into force

§ 13. This Executive Order enters into force on 5 July 2019.

(2) Executive Order No. 1175 of 5 December 2008 on International Shipments of Radioactive Waste and Spent Radioactive Fuel is hereby repealed.

Danish Health Authority, 1 July 2019

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Unauthorised translation based on “Sundhedsstyrelsens bekendtgørelse nr. 672 af 1. juli 2019 om grænseoverskridende overførsel af radioaktivt affald og brugt nukleart brændsel”. Only the Danish document has legal validity.

Annex 1

COUNCIL DIRECTIVE 2006/117/EURATOM of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel

Cf. Official Journal of the European Union 2006, No. L 337, page 21.

<https://eur-lex.europa.eu/legal-content/DA/TXT/PDF/?uri=CELEX:32006L0117&qid=1533284801932&from=EN>