

# Impact of Euratom Exit on Liabilities for Shipment of Radioactive Waste Between UK and Europe

WFAA

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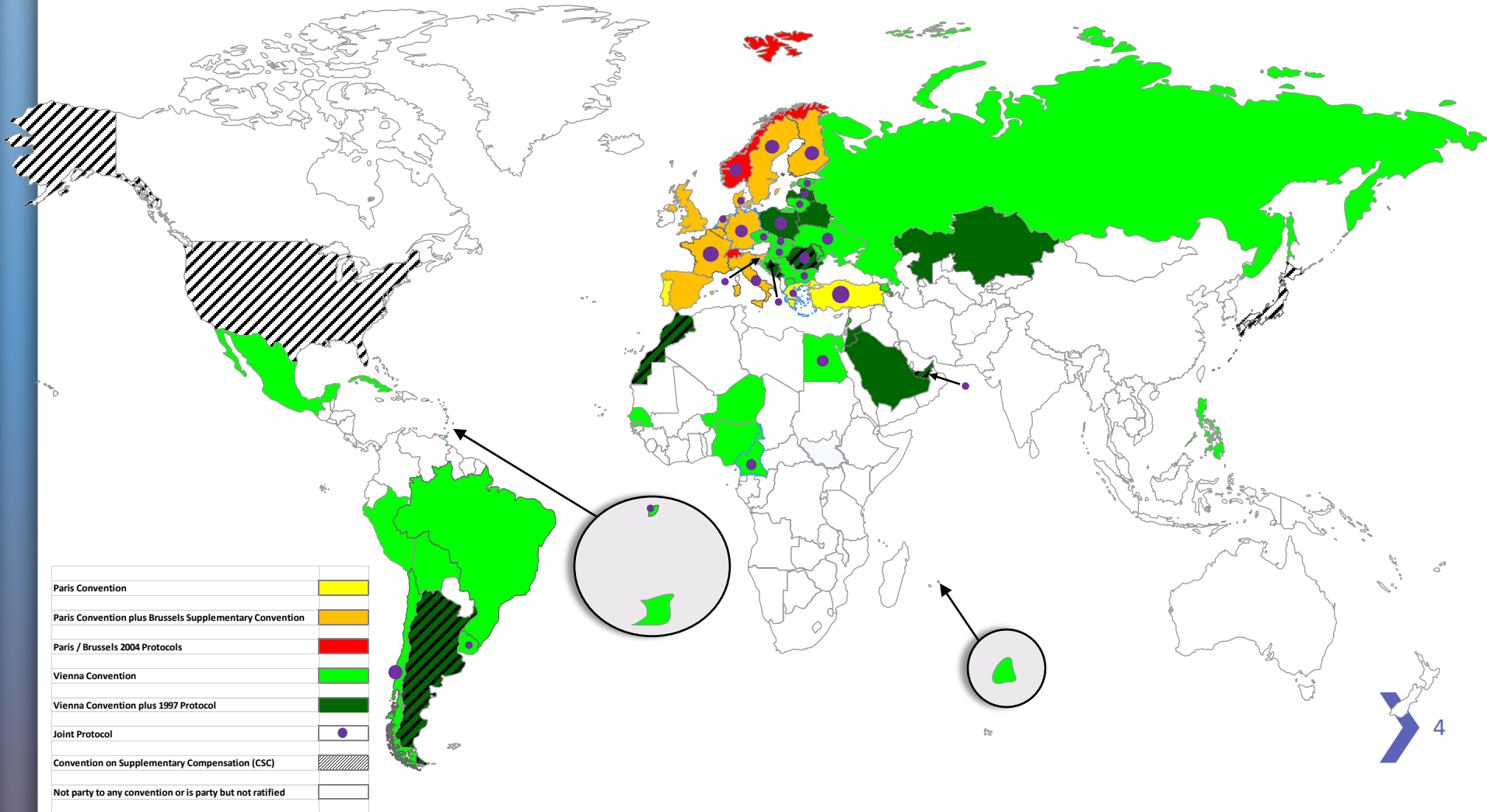
# Allocation of Nuclear Liability Risks for Nuclear Substances in Transit

- Mechanisms affecting global market for waste treatment
  - Managing complexities and inconsistencies
  - Ensuring compliance / meeting insuring obligations
- Diversity of liabilities regimes
- Imminent changes
- Current legal and regulatory framework
  - Basel Convention
  - Waste Shipment Regulation (EC)
  - Transfrontier Shipment of Radioactive Waste & Spent Fuel Regulations (SI2008/3087 (TSRW 2008))

## Liability Regimes

<b>Paris Convention</b>	
<b>Paris Convention plus Brussels Supplementary Convention</b>	
<b>Paris / Brussels 2004 Protocols</b>	
<b>Vienna Convention</b>	
<b>Vienna Convention plus 1997 Protocol</b>	
<b>Joint Protocol</b>	
<b>Convention on Supplementary Compensation (CSC)</b>	
<b>Not party to any convention or is party but not ratified</b>	

# Geographic Extent of Nuclear Liabilities Conventions



# EURATOM

## The Joint Convention



- Euratom Treaty
- Joint Convention on Safety of Spent Fuel Management and the Safety of Radioactive Waste Management
- European Level:
  - Directive 2006/117/Euratom
  - Directive 2011/70 Euratom

- Article 4(2) - ultimate responsibility for the safe and responsible disposal ...shall remain with the Member State or third country from which the radioactive material was shipped  
Assessment of practicable options
- Article 4(4) confirms that waste shall be disposed of in the Member State in which it was generated
- And, shipments from a Euratom member state to a third country are permitted only where:
  - the destination country has concluded an agreement with Euratom covering spent fuel and radioactive waste management, or is a party to the Joint Convention

## Directives 2006/117 and 2011/70 in UK Law TSRW 2008



Both Directives 2006/117 and 2011/70 are implemented in UK law by TSRW 2008

TSRW 2008 only refers expressly to Directive 2006/117. The UK's National Report on Compliance with Directive 2011/70/EURATOM (August 2015) does however confirm the UK's view that:

Directive 2011/70 Article 4(2) is implemented in UK law by TSRW 2008, and

the UK complies with Directive 2011/70 Article 4(4) through radioactive waste policy contained in Command Paper 2919: Review of Radioactive Waste Management Policy (White Paper published July 1995), supported by TSRW 2008.

## UK Intent and draft Withdrawal Agreement and scope of legislation required



- The Technical Note on spent fuel and radioactive waste published by the Department for Exiting the EU on 28 August 2017
  - (a) '[t]he UK remains committed to its responsibilities in respect of spent fuel and radioactive waste generated in the UK and present on EU27 territory on the date of withdrawal'; and
  - (b) '[t]he UK would expect reciprocal assurance that spent fuel and radioactive waste generated in a Euratom Member State, and present on UK territory on the date of withdrawal, will remain the responsibility of the relevant Euratom Member State.'