



STATUTORY INSTRUMENTS.

S.I. No. 320 of 2013



RADIOLOGICAL PROTECTION ACT 1991 (RESPONSIBLE AND SAFE
MANAGEMENT OF RADIOACTIVE WASTE) ORDER 2013

RADIOLOGICAL PROTECTION ACT 1991 (RESPONSIBLE AND SAFE MANAGEMENT OF RADIOACTIVE WASTE) ORDER 2013

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 30(1)(2) and (8) of the Radiological Protection Act 1991 (No. 9 of 1991), after consultation with the Ministers referred to in subsection (1) of that section and the Radiological Protection Institute of Ireland, for the purpose of giving effect to Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste, hereby order as follows:

Citation

1. This Order may be cited as the Radiological Protection Act 1991 (Responsible and Safe Management of Radioactive Waste) Order 2013.

Entry into Force

2. This Order shall come into operation on 22nd August 2013.

Definitions

3. (1) In this Order—

“closure” means the completion of all operations at some time after the emplacement of radioactive waste in a disposal facility, including the final engineering or other work required to bring the facility to a condition that will be safe in the long term;

“Directive” means Council Directive 2011/70/EURATOM of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste;

“disposal facility” means any facility or installation the primary purpose of which is radioactive waste disposal;

“Institute” means the Radiological Protection Institute of Ireland;

“Minister” means the Minister for the Environment, Community and Local Government;

“radioactive waste” means radioactive material in gaseous, liquid or solid form for which no further use is foreseen or considered by the competent regulatory authority or by a legal or natural person whose decision is accepted by the competent regulatory authority, and which is regulated as radioactive waste by the competent regulatory authority;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 27th August, 2013.

“radioactive waste management” means all activities that relate to handling, pre-treatment, treatment, conditioning, storage, or disposal of radioactive waste, excluding off-site transportation;

“radioactive waste management facility” means any facility or installation the primary purpose of which is radioactive waste management;

“storage” means the holding of radioactive waste in a facility with the intention of retrieval.

(2) A word or expression which is used in this order and which is also used in Council Directive 2011/70/EURATOM has, unless the context otherwise requires, the same meaning in this Order as it has in the Directive.

General Principles

4. (1) No radioactive waste generated in any other EU Member State or a third country shall be accepted for importation and disposal in Ireland unless at the time of shipment an agreement, taking into account the criteria established by the European Commission in accordance with Article 16(2) of Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel, has entered into force between the State and another EU Member State or a third country to use a disposal facility in the State.

(2) No radioactive waste generated in the State shall be exported to any other EU Member State or a third country unless at the time of shipment an agreement, taking into account the criteria established by the European Commission in accordance with Article 16(2) of Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel, has entered into force between the State and another EU Member State or a third country to use a disposal facility in one of them.

Amendment to the Ionising Radiation Order

5. The Radiological Protection Act, 1991 (Ionising Radiation) Order, 2000 (S.I. No. 125/2000) is hereby amended as follows:

(a) In Article 2(1) by the insertion of the following definitions;

“closure” means the completion of all operations at some time after the emplacement of radioactive waste in a disposal facility, including the final engineering or other work required to bring the facility to a condition that will be safe in the long term;

“Directive” means Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste;

“disposal facility” means any facility or installation the primary purpose of which is radioactive waste disposal;

“radioactive waste” has the same meaning as assigned to it in Article 3 of the Radiological Protection Act 1991 (Responsible and Safe Management of Radioactive Waste) Order 2013;

“radioactive waste management” means all activities that relate to handling, pre-treatment, treatment, conditioning, storage, or disposal of radioactive waste, excluding off-site transportation;

“radioactive waste management facility” means any facility or installation the primary purpose of which is radioactive waste management;

“storage” means the holding of radioactive waste in a facility with the intention of retrieval;

and the substitution of “Environment, Community and Local Government” for “Public Enterprise” in the definition of Minister.

- (b) In Article 3 (1) (a) by the insertion of the following subsection after subsection (v)

“(vi) all stages of radioactive waste management, from generation to disposal, when the radioactive waste results from civilian activities.”

- (c) by the insertion of the following after Article 4

“4A Such a licence shall not be granted in respect of the exportation for disposal, from the State to another EU Member State or third country, of radioactive waste generated in the State unless at the time of shipment an agreement, taking into account the criteria established by the European Commission in accordance with Article 16(2) of Directive 2006/117/Euratom on the supervision and control of shipments of radioactive waste and spent fuel, has entered into force between the State and that other EU Member State or third country to use a disposal facility in that other EU Member State or third country.”

“4B Such a licence shall not be granted in respect of the importation for disposal in the State of radioactive waste generated in another EU Member State or a third country, unless at the time of shipment an agreement, taking into account the criteria established by the Commission in accordance with Article 16(2) of Directive 2006/117/Euratom, has entered into force between the State and that other EU Member State or third country to use a disposal facility in the State.”

- (d) In Article 5(1) by the insertion of the following subsection after subsection (e)

“(f) (i) waste from extractive industries which may be radioactive and which falls within the scope of Directive 2006/21/EC;

(ii) authorised releases.”

- (e) In Article 5 by the insertion of the following paragraphs after paragraph (2)

“(3) Article 4A and Article 4B do not apply to practices involving repatriation of disused sealed sources to a supplier or manufacturer.

(4) Article 4A shall not affect the right of an undertaking in the State to return the radioactive waste after treatment or processing, to its country of origin, where:

(a) radioactive waste is to be shipped to the undertaking for treatment or processing; or

(b) other material is to be shipped to the undertaking with the purpose of recovering the radioactive waste.”

Reporting

6. The Institute shall report to the Minister on the implementation of the Directive as required.



Given under the Official Seal of the Minister for the Environment,
Community and Local Government,
22 August 2013.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order transposes Ireland's obligations in relation to Directive 2011/70/Euratom. The objective of this Directive is to cover all aspects of radioactive waste and spent fuel management, from generation through to long-term disposal.

It stipulates the prime responsibility of generators and the ultimate responsibility of each Member State for the management of waste generated on its territory by ensuring that appropriate national arrangements are taken to guarantee a high level of safety to protect workers and the general public against the risks arising from ionising radiation.

It formally establishes the responsibility of each Member State for the management of its radioactive waste and regulates export conditions for the disposal of this waste.

The Radiological Protection Institute of Ireland has been deemed the Competent Authority for the purpose of implementation of these Orders.

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