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## **STATEMENT ON CRIMINAL OFFENCES UNDER TRANSFRONTIER SHIPMENT OF RADIOACTIVE WASTE AND SPENT FUEL (EU EXIT) REGULATIONS**

*This statement is to be deposited in the Libraries of both Houses ahead of the Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2018 being laid in draft, in accordance with the requirement in Schedule 7, paragraph 28, sub-paragraph (3) and (7) of the European Union (Withdrawal) Act 2018 to set out the good reasons for introducing criminal offences and the penalties provided in respect of those offences.*

### **Purpose of the instrument**

The Government intends to lay the draft Transfrontier Shipment of Radioactive Waste and Spent Fuel (EU Exit) Regulations 2018 (the “2018 Regulations”) in Parliament in November 2018.

The instrument makes appropriate provision to correct deficiencies in retained EU law within the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 (the “2008 Regulations”). The 2008 Regulations implemented Council Directive 2006/117/Euratom (the “2006 Directive”) on the supervision and control of shipments of radioactive waste and spent fuel. The UK wishes to maintain an operable regime in this area following EU Exit.

### **Criminal offences**

I consider that there are good reasons for the creation of the criminal offence and penalty under the instrument, as set out below.

The criminal offences and penalties remain unchanged between the 2008 Regulations and the 2018 Regulations. However, as a result of EU Exit and the fact that EU Member States will be treated the same as all other countries in the 2018

Regulations, there will consequently be a wider range of factual circumstances under which the offences might be committed.

The 2018 Regulations widen the scope of the criminal offences carried over from the 2008 Regulations as set out below.

1. Under the 2008 Regulations it is an offence to ship radioactive waste or spent fuel into the United Kingdom from a third country except in accordance with an authorisation granted by the UK competent authority. Whilst this offence remains unchanged in the 2018 Regulations, shipments from EU Member States will now fall within its scope, whereas in the 2008 Regulations such shipments benefitted from separate provisions due to a system of mutual recognition of authorisations throughout the EU.
2. The offence relating to notification of arrival of a shipment at its destination is also extended to cover shipments to EU Member States.
3. The scope of the offence requiring a shipment to be accompanied with the appropriate administrative documentation certifying the approval of the shipment has been changed. This is because the UK will be issuing its own standard documentation which will need to accompany shipments in place of the EU-wide standard documentation which was used previously. The new documentation will be broadly equivalent to what is currently used.



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