A7-0385/2013

14.11.2013

* 

REPORT

on the proposal for a Council regulation establishing a Community system for registration of carriers of radioactive materials
(COM(2012)0561 – C7-0320/2012 – 2011/0225(NLE))

Committee on Industry, Research and Energy

Rapporteur: Béla Kovács
**Symbols for procedures**

* Consultation procedure  
*** Consent procedure  
***I Ordinary legislative procedure (first reading)  
***II Ordinary legislative procedure (second reading)  
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

**Amendments to a draft act**

In amendments by Parliament, amendments to draft acts are highlighted in *bold italics*. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in *bold*. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation establishing a Community system for registration of carriers of radioactive materials
(COM(2012)0561 – C7-0320/2012 – 2011/0225(NLE))

(Consultation)

The European Parliament,

– having regard to the Commission proposal to the Council (COM(2012)0561),
– having regard to Articles 31 and 32 of the Euratom Treaty, pursuant to which the Council consulted Parliament (C7-0320/2012),
– having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
– having regard to Rule 55 and 37 of its Rules of Procedure,
– having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0385/2013),

1. Approves the Commission proposal as amended;
2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union and Article 106a of the Euratom Treaty;
3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
5. Instructs its President to forward its position to the Council and the Commission.

Amendment 1
Proposal for a regulation

Title

Text proposed by the Commission Amendment
Proposal for a Proposal for a
Amendment 2  
Proposal for a regulation

Citation 1

Text proposed by the Commission  
Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 31 and Article 32 thereof;

Amendment  
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof;

Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

Amendment 3  
Proposal for a regulation

Citation 2

Text proposed by the Commission  
Having regard to the proposal from the Commission, drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee,

Amendment  
Having regard to the proposal from the European Commission,
Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

Amendment 4
Proposal for a regulation

Citation 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>Having regard to the opinion of the European Parliament,</td>
<td>Acting in accordance with the ordinary legislative procedure,</td>
</tr>
</tbody>
</table>

Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

Amendment 5
Proposal for a regulation
Recital 4 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(4a) There is a need to ensure efficient and harmonised implementation of this Regulation by defining common criteria which Members States should apply in issuing certificates of carrier</td>
<td></td>
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</tbody>
</table>

RR\1009862EN.doc 7/61 PE510.688v02-00
registrations, feasible and mandatory exchange of information with other Member States for ensuring control of carriers, verifying compliance, as well as reacting efficiently to emergency situations.

Amendment 6
Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In order to ensure uniform conditions for implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for the control by the Member States of the Commission's exercise of implementing powers.

Amendment 7
Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

(7a) Given the broad aim of reducing the regulatory burden on industry, the economic impact of this Regulation on the many small businesses that transport radioactive material within a single State's territory should be further monitored by the Commission.
Justification

This is important as the Commission has stated that the "specific effects on SMEs are very difficult to compute given the data available" and that the online stakeholder consultation period was conducted for a very short amount of time (10th December 2007 until 28 January 2008, Christmas holiday included).

Amendment 8

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

(1) This Regulation establishes a Community system for the registration of carriers of radioactive materials which facilitates the Member States' task of ensuring that the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations laid down in Directive 96/29/Euratom are complied with.

Amendment

(1) This Regulation establishes a Community system for the authorisation and registration of carriers of radioactive materials based on Directive 2008/68/EC and Directive 96/29/Euratom.

Amendment 9

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

(2) This Regulation shall apply to any carrier transporting radioactive materials within the Community, from third countries into the Community and from the Community into third countries. It shall not apply to carriers transporting radioactive materials by air and sea.

Amendment

(2) This Regulation shall apply to any carrier transporting radioactive materials by road, rail and inland waterway within the Community, from third countries into the Community and from the Community to third countries.
Amendment 10
Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) This Regulation shall apply without prejudice to national provisions dealing with the protection of transport of radioactive materials against theft, sabotage or other malicious acts.

Amendment 11
Proposal for a regulation
Article 2 – point a

Text proposed by the Commission

Amendment

(a) ‘carrier’ means any person, organisation or public undertaking conducting the carriage of radioactive material by any means of transport in the Community. This includes carriers for hire or reward and carriers on own account;

(a) ‘carrier’ means any person, organisation or undertaking conducting the carriage of radioactive material by any means of transport in the Community. This includes carriers for hire or reward and carriers on own account;

Amendment 12
Proposal for a regulation
Article 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) "common criteria" means a set of safety standards based on the Modal Regulations for the Transport of Dangerous Goods (ADR, RID and ADN), Directive 96/29/Euratom and Directive 2008/68/EC with which carriers of radioactive materials must comply in order to obtain a registration certificate;
Amendment 13

Proposal for a regulation
Article 2 – point c

Text proposed by the Commission
(c) ‘transport’ means all transport operations from the place of origin to the place of destination, *including loading, storage in transit and unloading of radioactive material*;

Amendment
(c) "transport" means all transport operations *undertaken by the carrier* from the place of origin to the place of destination;

Amendment 14

Proposal for a regulation
Article 2 – point d

Text proposed by the Commission
(d) ‘radioactive material’ means any material containing radionuclides where both the activity concentration and the total activity in the consignment exceed the values specified in paragraphs 402–407 of the IAEA Regulations for the Safe Transport of Radioactive Material, Safety Requirements No. TS-R-1, Vienna, 2009;

Amendment
(d) "radioactive material" has the same meaning as in the Modal Regulations for the Transport of Dangerous Goods (ADR, RID and ADN) which are implemented by Member States under Directive 2008/68/EC;

Amendment 15

Proposal for a regulation
Article 2 – point e

Text proposed by the Commission
(e) 'high consequence dangerous goods - radioactive material’ means radioactive material which have the potential for misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction as defined in Appendix A.9. of the IAEA Nuclear Security Series

Amendment
(e) 'high consequence dangerous goods - radioactive material’ means radioactive material which have the potential for accidental release or misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction as defined in Appendix A.9. of the IAEA Nuclear Security Series
Amendment 16
Proposal for a regulation
Article 2 – point f

Text proposed by the Commission

(f) ‘excepted package’ means any package in which the allowed radioactive content does not exceed the activity levels laid down in Table V of Section IV of the IAEA Regulations for the Safe Transport of Radioactive Material, Safety Requirements No. TS-R-1, Vienna, 2009, or one tenth of these limits for transport by post and which is labelled as UN No. 2908, 2909, 2910 or 2911;

Amendment

(f) "excepted package" means any package containing radioactive material that meet the requirements for packages classified as "excepted packages" as specified in the Modal Regulations for the Transport of Dangerous Goods (ADR, RID and ADN) which are implemented by Member States under Directive 2008/68/EC;

Amendment 17
Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. Individual transport operations shall be accompanied by a copy of the carrier's registration certificate or by the licence or registration obtained in accordance with the applicable national procedure in the case of transport referred to in paragraph 3.

Amendment

2. Individual transport operations shall be accompanied by a copy of the carrier's registration certificate.
3. A holder of valid licences or registrations issued in accordance with Directive 96/29/Euratom for the handling of radioactive material or for the use of equipment containing radioactive material or sources may transport these materials or sources without registration under this Regulation if transportation is included in the licences or registrations for all Member States where the transport takes place.

Amendment 19
Proposal for a regulation
Article 3 – paragraph 5 a (new)

Text proposed by the Commission

5a. Any transport of radioactive materials shall comply with the international rules and standards set by UNECE on dangerous and polluting goods, as well as the corresponding European Agreement on the International Carriage of Dangerous Goods by Road (ADR), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), as defined in Directive 2008/68/EC.

Amendment 20
Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Electronic System for Carrier

Amendment

1. Electronic System for Carrier
Registration (ESCRreg) shall be established and maintained by the Commission for the supervision and control of the transport of radioactive material. The Commission shall define the information to be included in the system, technical specifications and requirements for the ESCRreg.

Registration (ESCRreg) shall be established, maintained and secured by the Commission for the supervision and control of the registration of carriers of radioactive material. The Commission shall define the information to be included in the system, technical specifications and requirements for the ESCRreg. In order to avoid misinterpretation, those specifications shall be complete and unambiguous.

Amendment 21
Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

1a. The ESCRreg shall be secured, robust and fully operational before the entry into force of this Regulation. In addition, an information exchange mechanism between the competent authorities and the ESCRreg shall be set up in order to facilitate at least cross border transport.

Amendment

Amendment 22
Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The ESCRreg shall grant restricted and secure access to the competent authorities of the Member States, to registered carriers and to applicants, subject to the relevant provisions on personal data protection, as laid down by Directive 95/46/EC of the European Parliament and of the Council. The competent authorities shall have access to all data available.

Amendment

2. The ESCRreg shall grant restricted and secure access to the competent authorities of the Member States, to registered carriers and to applicants, subject to the relevant provisions on personal data protection, as laid down by Directive 95/46/EC of the European Parliament and of the Council. The competent authorities shall have access to all data available. The ESCRreg shall provide the public with access to the list of registered carriers.
Amendment 23
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The *Commission shall not* be responsible for the content and the accuracy of information submitted through the ESCReg.

Amendment

3. The *competent authorities of the Member States shall* be responsible for the content of information submitted through the ESCReg, *which shall be accurate, timely and transparent.*

Amendment 24
Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A carrier shall apply for registration through the ESCReg.

Amendment

A carrier shall apply for registration through the ESCReg *to the competent authority in accordance with paragraph 3.*

Amendment 25
Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The applicant carrier shall submit the completed electronic application form set out in Annex I.

Amendment

The applicant carrier shall submit the completed electronic application form set out in Annex I. *Online guidelines with contact data and information on how to reach the contact point or the competent authority shall be available at all times in order to assist the applicant.*
Amendment 26
Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

A transitional period of one year after the date on which this Regulation enters into force will apply, in order for all carriers to apply for and obtain a registration certificate under this Regulation. During this transitional period, the provisions of Directive 96/29/Euratom and Directive 2008/68/EC shall apply.

Amendment 27
Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. Upon completion and submission of the application form, the applicant shall receive an automatic acknowledgement of receipt, together with an application number.

Amendment

2. Upon completion and submission of the application form, the applicant shall receive an automatic acknowledgement of receipt, together with an application number. The responsible competent authority shall receive the same acknowledgement. The Commission shall be responsible for ensuring compliance with paragraph 3 of this Article. In the event of rejection an error message shall be sent to the applicant giving the reasons for which the application was rejected.

Amendment 28
Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. Within eight weeks of issuing the acknowledgement of receipt the competent authority shall issue a certificate of carrier

Amendment

4. Within eight weeks of issuing the acknowledgement of receipt the competent authority shall issue a certificate of carrier
registration if it considers the submitted information to be complete and in compliance with this Regulation, Directive 96/29/Euratom and Directive 2008/68/EC. registration if it considers the submitted information to be complete and in compliance with this Regulation and that the applicant fulfils the requirements of the common criteria as defined in point ba of Article 2(1).

Amendment 29
Proposal for a regulation
Article 5 – paragraph 5 – subparagraph 2

Text proposed by the Commission
A copy of the certificate of carrier registration shall be provided automatically through the ESCReg to all the competent authorities of the Member States where the carrier intends to operate.

Amendment
A copy of the certificate of carrier registration shall be provided automatically through the ESCReg to the competent authorities of all Member States.

Amendment 30
Proposal for a regulation
Article 5 – paragraph 6 – subparagraph 1

Text proposed by the Commission
If the competent authority refuses to issue a certificate of carrier registration on the grounds that the application is not complete or not in compliance with the applicable requirements, it shall respond in writing to the applicant within eight weeks after issuing the acknowledgement of receipt. Prior to such refusal, the competent authority shall require that the applicant corrects or supplements the application within three weeks from the receipt of this request. The competent authority shall provide a statement of the reasons for refusal.

Amendment
The competent authority shall ask the applicant to provide, within three weeks of receipt of this request, the necessary corrections or supplementary information, if needed. If the competent authority refuses to issue a certificate of carrier registration on the grounds that the application is not complete or not in compliance with the applicable requirements, it shall respond in writing to the applicant within eight weeks after issuing the acknowledgement of receipt. The competent authority shall provide a statement of the reasons for refusal.
Amendment 31
Proposal for a regulation
Article 5 – paragraph 6 – subparagraph 2

Text proposed by the Commission

A copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to all the competent authorities of the Member States where the carrier intends to operate.

Amendment

A copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to the competent authorities of all Member States.

Amendment 32
Proposal for a regulation
Article 5 – paragraph 9 a (new)

Text proposed by the Commission

9a. The competent authority shall retain all historical data for all applicants in order to ensure their traceability, to facilitate better monitoring and to prevent any falsification.

Amendment

9a. The competent authority shall retain all historical data for all applicants in order to ensure their traceability, to facilitate better monitoring and to prevent any falsification.

Amendment 33
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. The carrier shall be responsible for ensuring the continued accuracy of the data provided in the application form for Community carrier registration submitted to the ESCReg.

Amendment

1. The carrier shall be responsible for ensuring the continued accuracy of the data provided in the application form for Community carrier registration submitted to the ESCReg. An applicant shall therefore be authorised to update its own data easily with a limited administrative burden.

Amendment 34
Proposal for a regulation
Article 6 – paragraph 1 a (new)
1a. The competent authority that issued the certificate shall be responsible for monitoring, through inspections, the continued compliance of the registered carrier with the requirements of this Regulation for the period of validity of the certificate.

Amendment 35
Proposal for a regulation
Article 6 – paragraph 2 a (new)

2a. In order to ensure equal treatment for all applicants, the competent authorities shall ensure that the criteria for delivering the registration certificate are identical and consistent with IAEA definitions and that the registration process is harmonized.

Amendment 36
Proposal for a regulation
Article 7 – paragraph 1

1. If a carrier does not comply with the requirements of this Regulation the competent authority of the Member State where the non-compliance was discovered shall apply enforcement measures within the legal framework of that Member State, such as written notices, training and education measures, suspension, revocation or modification of the registration or prosecution, depending on the safety significance of the non-compliance and the record of compliance. 1. If a carrier does not comply with the requirements of this Regulation the competent authority of the Member State where the non-compliance was discovered shall apply enforcement measures within the legal framework of that Member State, such as written notices, training and education measures or prosecution, depending on the safety significance of the non-compliance and the record of compliance of the carrier.
The enforcement measures shall be immediately notified to the Member State that issued the certificate. Within a maximum of four weeks, the notified Member State shall modify, renew or revoke the registration. The decision shall be issued through ESCReg to the competent authorities of all Member States.

Amendment 37
Proposal for a regulation
Article 7 – paragraph 1 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>1a. Depending on the safety significance of the non-compliance and the record of compliance of the carrier, the Member State where the non-compliance was discovered may suspend the carrier's registration. The suspension shall be immediately notified to the Member State that issued the certificate. Within a maximum of four weeks, the notified Member State shall modify, renew or revoke the registration. The decision shall be issued through ESCReg to the competent authorities of all Member States.</td>
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</table>

Amendment 38
Proposal for a regulation
Article 7 – paragraph 2

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>2. The competent authority of the Member State where the non-compliance was discovered shall communicate to the carrier</td>
<td></td>
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<tr>
<td>2. The competent authority of the Member State where the non-compliance was discovered shall communicate to the carrier</td>
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</tbody>
</table>
and to the competent authorities of the Member States, where the carrier was planning to transport radioactive materials information on enforcement action applied and a statement of reasons for application of that action. If the carrier does not comply with the enforcement action applied pursuant to paragraph 1, the competent authority of the Member State of establishment of the head office of the carrier or, if the carrier is established in a third country, the competent authority of the Member State, where the carrier intended to first enter the territory of the Community shall revoke the registration.

Amendment 39

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. The competent authority shall communicate to the carrier and to the other competent authorities concerned the revocation together with a statement of reasons.

deleted

Amendment 40

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. All cases of non-compliance shall be reported to the Commission and to the ESCReg.


Amendment 41
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall designate a competent authority and a national contact point for the transport of radioactive materials.

Amendment

Member States shall designate a competent authority and a national contact point for the registration of carriers of radioactive materials. That information shall be made available on the registration page of the applicant.

Amendment 42
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The Commission shall communicate this information and any changes thereto to all competent authorities in the Community through the ESCRég.

Amendment

The Commission shall communicate this information and any changes thereto to all competent authorities in the Community through the ESCRég and make it available to the public on the internet.

Justification

The information on which is the competent authority and the national contact point can be of interest to the public and should therefore be publicly available.

Amendment 43
Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The information on the national rules on radiation protection applicable to the transport of radioactive materials shall be easily accessible to carriers through the contact points.

Amendment

2. The information on the national rules on radiation protection applicable to the transport of radioactive materials shall be easily accessible through the contact points.
Justification

The information on which rules apply can be of interest to the public and should therefore be publicly available.

Amendment 44
Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>The contact points and the competent authorities shall respond as quickly as possible to any request for information and in cases where the request is faulty or unfounded, inform the applicant accordingly <em>without delay</em>.</td>
<td>The contact points and the competent authorities shall respond as quickly as possible to any request for information and in cases where the request is faulty or unfounded, inform the applicant accordingly <em>within two weeks</em>.</td>
</tr>
</tbody>
</table>

Amendment 45
Proposal for a regulation
Article 10 – title

<table>
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<th>Amendment</th>
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</table>

Amendment 46
Proposal for a regulation
Article 10 – paragraph 2 a (new)

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>The Commission shall adopt delegated acts establishing the common criteria defined in point b a of Article 2(1).</td>
<td></td>
</tr>
</tbody>
</table>

Amendment 47
Proposal for a regulation
Article 10b (new)

Text proposed by the Commission

Amendment

Article 10b

Review

The Commission shall review this Regulation two years after its entry into force in order to assess its effectiveness and propose, if necessary, further measures to ensure safe carriage of radioactive materials within the Community and from third countries.

Amendment 48

Proposal for a regulation
Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Advisory Committee

The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European parliament and of the Council of 16 February 2011 laying down the rules and the general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

The committee shall advise and assist the Commission in the performance of its tasks provided for in this Regulation.

The committee shall be composed of experts nominated by the Member States and of experts nominated by the Commission and shall be chaired by a
representative of the Commission.

Amendment 49
Proposal for a regulation
Article 12 – paragraph 1 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>The application of this Regulation shall take into account the availability of a validated and operational registration system.</td>
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</tr>
</tbody>
</table>

Amendment 50
Proposal for a regulation

Annex 1 – paragraph 1 – table – part B – points 1 - 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name, position, full address, telephone number and e-mail-address of the responsible representative of the carrier’s organisation (person empowered to commit the carrier’s organisation):</td>
<td></td>
</tr>
<tr>
<td>2. Name, position, full address, telephone number and e-mail-address of the contact person for the authorities on technical/administrative issues (who has the responsibility for compliance with the regulations for the activities deployed by the carrier company):</td>
<td></td>
</tr>
<tr>
<td>3. Name, position and full address of the safety adviser (only for inland transport modes and if different from 1 or 2):</td>
<td></td>
</tr>
<tr>
<td>4. Name, position and full address of the person responsible for the implementation of the Radiation Protection Programme if different from 1 or 2 or 3:</td>
<td></td>
</tr>
</tbody>
</table>

1. Name, position, full address, mobile and land line telephone number and e-mail-address of the responsible representative of the carrier's organisation (person empowered to commit the carrier's organisation): |

2. Name, position, full address, mobile and land line telephone number and e-mail-address of the contact person for the authorities on technical/administrative issues (who has the responsibility for compliance with the regulations for the activities deployed by the carrier company): |

3. Name, position, full address, mobile and land line telephone number and e-mail-address of the safety adviser (only for inland transport modes and if different from 1 or 2): |

4. Name, position, full address, mobile and land line telephone number and e-mail-address of the Radiation Protection Programme if different from 1 or 2 or 3:
EXPLANATORY STATEMENT


Legal basis

The provisions of this Regulation relate to the basic safety standards for the protection of the health of workers and the general public. Consequently, the legal basis is Chapter 3 of the Treaty establishing the European Atomic Energy Community, and, in particular, Articles 31 and 32 thereof.

Summary

This Proposal for a Regulation aims at replacing national reporting and authorization procedures relating to carriers of radioactive materials by a unique registration system. The implementation of the Regulation should enable procedures to be simplified and administrative burden to be reduced, whilst maintaining a high level of radiation protection.

Justification

At European level, carriers of radioactive materials are covered by transport legislation under the Treaty on the Functioning of the European Union (TFEU) and legislation of the radiation-specific aspects including the health protection of workers and the general public under the Euratom-Treaty. The legislation has been simplified by Directive 2008/68/EC on the inland transport of dangerous goods by combining all inland transport modes. Member States, according to Euratom Article 33, shall lay down appropriate provisions to ensure compliance with the basic standards. Member States have implemented these procedures in differing systems, thereby adding to the complexity of transport operations as such. Replacing these national reporting and authorization procedures by a unique registration system for the practice of transport will therefore contribute to simplify the procedure, reduce administrative burden, do away with barriers to entry, while the high radiation protection levels reached will be maintained.

Summary of the proposed improvements

The rapporteur welcomes the proposal of the European Commission facilitating transports in the EU and to ensure a better monitoring of these transports. He proposes several improvements to the text:

In order to have an equal treatment of all carriers, member states through their national competent authority should ensure that the criteria and data models for delivering the registration certificate are the same and the registration process is harmonized. Online guidelines should be available to avoid unjustified rejection. Dynamic help explaining all requested fields should be implemented as well as electronic signature.
The registration system should be secured, robust and fully operational before this regulation enters in force. In addition an information exchange mechanism between the Member States national authorities and the registration system should be setup this will at least facilitate cross border transport.

The ontology should be the same and consistent with existing directives, Euratom definitions and standards especially the ones proposed by IAEA. When transporting radioactive materials some additional activities are necessary (loading, storage, unloading), it is necessary to define clearly which activities are in the scope of this regulation.

Compliance of the registration system is necessary with the basic safety standards directive 96/29/Euratom supplemented by five other specific Directives dealing with medical exposures, public Information, outside workers, shipments of radioactive waste and spent fuel and control of high-activity sealed radioactive sources and orphan sources. These Directives aim to prevent exposure to ionizing radiation arising from inadequate operations and to harmonize controls in the EU Member States.

When a carrier is applying for registration, its historical data should be made available to the national authority delivering the certificate to ensure a better monitoring and prevent any falsification.

It is questionable why this directive has a limited scope as transport radioactive materials by air or sea are not covered. For carriers by air and sea systems already exist. Therefore there is no need to develop a new registration system. The Commission has to explore the possibilities of expanding the most suitable existing system instead. The rapporteur is of the opinion that this will be the most cost efficient solution, which can be implemented fastest. Although it should be confirmed, it's likely that the air carriers have the most elaborated and robust system.

Although this new system has the objectives to simplify the registration procedure, to introduce transparency and to eliminate barriers for a competitive transport business, the highest level of safety has to be always the priority.

An assessment report on the impact of this regulation should be made by the Commission 2 years after its implementation.

And finally, the Rapporteur considers that a carrier should be authorised to update easily its own data with a limited administrative burden.
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS ON THE LEGAL BASIS

Mrs Amalia Sartori
Chair
Committee on Industry, Research and Energy
BRUSSELS

Subject: Opinion on the legal basis of the proposal for a Council Regulation establishing a Community system for registration of carriers of radioactive materials (COM(2012)0561- C7-0320/2012 – 2011/0225(NLE))

Dear Chair,

By letter of 11 June 2013, you asked the Committee on Legal Affairs, pursuant to Rule 37 of the Rules of Procedure, to give its opinion on the appropriateness of changing the legal basis of the above proposal for a Council Regulation by replacing Articles 31 and 32 of the Treaty Establishing the European Atomic Energy Community (hereinafter "the Euratom Treaty") by Article 91 of the Treaty on the Functioning of the European Union (hereinafter "TFEU"), or by adding this provision to the legal basis proposed by the Commission.

I - Background

The proposed Council Regulation establishes a Community system for the registration of carriers of radioactive materials, which facilitates the Member States' task of ensuring that the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations laid down in Directive 96/29 Euratom are complied with.

The proposed Regulation replaces the reporting and authorisation systems in the Member States laid down in Articles 2 and 3 of Directive 96/29 Euratom by a single registration. Moreover, the proposed Regulation adopts a graded approach by exempting carriers who transport exclusively "excepted packages" from the need to register. On the other hand, the proposed Regulation leaves it up to the Member States to add additional registration requirements for carriers of fissile and highly radioactive materials.

Under Articles 31 and 32 of the Euratom Treaty, Parliament is merely consulted, whereas under Article 91 TFEU, Parliament is co-legislator together with the Council in accordance with the ordinary legislative procedure.

10 amendments purporting to change the legal basis to Article 91 TFEU, or to add it to the proposed legal basis, have been tabled in the Committee on Industry, Research and Energy. Moreover, the opinion of the Committee on the Environment, Public Health and Food Safety

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proposes to change the legal basis to Article 91 TFEU.

The amendments tabled by Members, and the ENVI committee opinion, on changing the legal basis of the proposal have been justified as follows:

“Since the proposal concerns transport matters, it is appropriate to base it on Article 91 of the Treaty of the Functioning of the European Union (Transport). The Parliament should thus exercise codecision powers.”

“Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more so as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P_7TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.”

II - Relevant Treaty Articles

The following Articles of the Euratom Treaty were presented as the legal basis in the Commission's proposal:

**Article 31**

*The basic standards shall be worked out by the Commission after it has obtained the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts, and in particular public health experts, in the Member States. The Commission shall obtain the opinion of the Economic and Social Committee on these basic standards. After consulting the European Parliament the Council shall, on a proposal from the Commission, which shall forward to it the opinions obtained from these Committees, establish the basic standards; the Council shall act by a qualified majority.*

**Article 32**

*At the request of the Commission or of a Member State, the basic standards may be revised or supplemented in accordance with the procedure laid down in Article 31.*

*The Commission shall examine any request made by a Member State.*
Article 30

Basic standards shall be laid down within the Community for the protection of the health of workers and the general public against the dangers arising from ionizing radiations.

The expression ‘basic standards’ means:
(a) maximum permissible doses compatible with adequate safety;
(b) maximum permissible levels of exposure and contamination;
(c) the fundamental principles governing the health surveillance of workers.

Article 91 TFEU, which has been suggested to supplement or replace the proposed legal basis, has the following wording:

Article 91

1. For the purpose of implementing Article 90, and taking into account the distinctive features of transport, the European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, lay down:

(a) common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States;
(b) the conditions under which non-resident carriers may operate transport services within a Member State;
(c) measures to improve transport safety;
(d) any other appropriate provisions.

2. When the measures referred to in paragraph 1 are adopted, account shall be taken of cases where their application might seriously affect the standard of living and level of employment in certain regions, and the operation of transport facilities.

Article 90 TFEU reads as follows:

Article 90

The objectives of the Treaties shall, in matters governed by this Title, be pursued within the framework of a common transport policy.

III - Case-law on legal basis

Certain principles emerge from the case-law of the Court as regards the choice of legal basis. First, in view of the consequences of the legal basis in terms of substantive competence and procedure, the choice of the correct legal basis is of constitutional importance. Secondly,

under Article 13(2) TFEU, each institution is to act within the limits of the powers conferred upon it by the Treaty. Thirdly, according to the case-law of the Court of Justice, the “choice of legal basis for a Community measure must rest on objective factors amenable to judicial review, including in particular the aim and the content of the measure”.

Fourthly, it has to be established whether the proposal either pursues a twofold purpose or has a twofold component, and one of those is identifiable as the main or predominant purpose or component, whereas the other is merely incidental or simultaneously pursues a number of objectives or has several components that are indissociably linked, without one being secondary and indirect in relation to the other. In the first case the act must be based on a single legal basis, namely that required by the main or predominant purpose or component, and in the second case the act will have to be founded on the various corresponding legal bases. The choice of an incorrect legal basis may therefore justify the annulment of the act in question.

IV. Aim and content of the proposed regulation

The Commission explains its choice of legal basis as follows:

The provisions of this Regulation relate to the basic safety standards for the protection of the health of workers and the general public. Consequently, the legal basis is Chapter 3 of the Treaty establishing the European Atomic Energy Community, and, in particular, Articles 31 and 32 thereof.

As regards the aim pursued, Article 1(1) of the proposed Regulation indicates that it is intended to establish a Community system for registration of carriers of radioactive materials, which facilitate “the Member States’ task of ensuring that the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations laid down in Directive 96/29/Euratom are complied with.”. The proposed Regulation shall, therefore, apply "to any carrier transporting radioactive materials within the community, from third countries into the Community and from the Community into third countries. It shall not apply to carriers transporting radioactive materials by air and sea." (Article 1(2) of the proposed Regulation).

As regards its content, the proposed regulation requires carriers of radioactive materials to have a valid registration obtained from the Electronic System for Carriers registration (ESCReg), which shall be established for the supervision and control of the transport of radioactive material. The referred registration shall then allow the carrier to conduct transport throughout the whole Union (Article 4 of the proposed Regulation).

It should be noted that Article 3(3) of the proposed Regulation indicates that a holder of a valid licence or registration issued in accordance with Directive 96/29/Euratom, provided that transportation is included, may conduct the transport of radioactive material without
registration under the ESCReg established by the proposal in analysis.

By thus introducing a distinction between the scopes of the two measures, the proposed Regulation indicates that it has as its main purpose the implementation of a registration system intended to specifically cover the transport of radioactive materials with a cross-border nature (Article 1(2) of the proposed Regulation). The registration certificate, the licence or the registration for individual transport operations will therefore continue to be obtained in accordance with the national procedure introduced by Directive 96/29/Euratom (Article 3(2) of the proposed Regulation).

It appears from the proposed regulation's wording that given the nature of radioactive materials, its transport is subject, on one hand, to rules governing the transport of dangerous goods\(^1\) under TFEU law (having now Article 91 TFEU as it legal basis), and, on the other hand, to radiation protection measures\(^2\) under Euratom law.

**V - Determination of the appropriate legal basis**

Article 91 TFEU provides a legal basis for action in order to achieve the objectives referred to in Article 90 TFEU, inter alia common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States, the conditions under which non-resident carriers may operate transport services within a Member State, and measures to improve transport safety.

While the proposal pursues a twofold purpose or has a twofold component, transport and radioactive safety, it follows from the analysis of the aim and content of the proposal that the registration system for transport must be considered as the main or predominant purpose, whereas the goods transported are merely incidental to that purpose. According to the settled case-law of the Court referred to above, the act in question must therefore be based on a single legal basis, namely that required by the main or predominant purpose or component, which is this case is Article 91 TFEU.

It should furthermore be noted that recourse to this legal basis would imply switching from the consultation procedure to the ordinary legislative procedure, with the full participation of the Parliament.

**VI - Conclusion and recommendation**

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In light of the foregoing analysis, Article 91 TFEU alone constitutes the proper legal basis for the proposal.

At its meeting of 9 July 2013 the Committee on Legal Affairs accordingly decided, unanimously¹, to recommend the following: Article 91 TFEU is the proper legal basis for the adoption of a legislative act with the aim and content of the proposal for a Council Regulation establishing a Community system for registration of carriers of radioactive materials. Such a legislative act must therefore be adopted in accordance with the ordinary legislative proposal.

Yours sincerely,

Klaus-Heiner Lehne

¹ The following were present for the final vote: Raffaele Baldassarre (Vice-Chair), Luigi Berlinguer, Sebastian Valentin Bodu (Vice-Chair), Piotr Borys, Françoise Castex (Vice-Chair), Christian Engström, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne (Chair), Jörg Leichtfried, Eva Lichtenberger, Antonio López-Istúriz White, Jiří Maštálka, Bernhard Rapkay, Rebecca Taylor, Alexandra Thein, Axel Voss (Rapporteur), Cecilia Wikström, Tadeusz Zwiełka, Anna Záborská
4.6.2013

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Industry, Research and Energy

on the proposal for a Council regulation establishing a Community system for registration of carriers of radioactive materials
(COM(2012)0561 – C7-0320/2012 – 2011/0225(NLE))

Rapporteur: Romana Jordan

SHORT JUSTIFICATION

This Proposal for a Regulation establishing a Community system for registration of carriers of radioactive materials addresses basic concerns of the protection of workers and the general public against the dangers arising from ionising radiation and the transport of radioactive materials by land in the Community. The Commission proposes the establishment of a single registration system for carriers of radioactive materials valid throughout the whole Euratom Community.

Transport of radioactive materials is subject to basic safety standards for the protection of the health of workers and the general public arising from ionising radiation established in the Council Directive 96/27/Euratom of 13 May 1996 as well as requirements under Directive 2008/68/EC on inland transport of dangerous goods of 24 September 2008. However, as transport is one of the practices with very frequent cross-border nature, it is important to consider the regulation of transport of radioactive materials by land also at the Community level. Therefore, the Commission proposal establishes a Community system of registration, thereby transferring some implementation rights to the European Commission. It replaces national reporting and authorisation procedures for carriers of radioactive materials with a single registration system for conducting transport and contributes to simplifying the procedure, reducing the administrative burden and does away with barriers to entry for new entrants at the market. At the same time, the proposal for a Regulation maintains the high radiation protection levels for workers and general public.

Your Rapporteur believes that the Commission proposal importantly simplifies procedures for registration of carriers of radioactive materials by establishing a Community system for registration. I welcome the principle of automatic mutual recognition of certificates, but believe that such system can only be valid if common criteria for delivery of the certificates
are defined. Failing to define them would seriously impede a harmonised implementation of common rules throughout the Community and cast doubt on the effectiveness of such legislation among Member States as well as citizens. Therefore I suggest that common safety criteria are set, by which a competent authority verifies whether a carrier applying for registration is fit to meet safety requirements regarding that result from Directives 96/29/Euratom and 2008/68/EC, based on those defined in Directives 96/29/Euratom and 2008/68/EC.

Secondly, the Commission proposal defines steps to be taken in case of non-compliance of a carrier with the requirements of this Regulation. Your Rapporteur takes a stricter line than the Commission proposal and suggests that if a carrier does not comply with the requirements of this Regulation, the competent authority of the Member State where the non-compliance was discovered shall immediately suspend transport of radioactive materials by the carrier concerned and apply enforcement measures within the legal framework of that Member State, depending on the safety significance of the non-compliance and the record of compliance of the carrier. Other Member States and the Commission shall be informed about all cases of non-compliance. Once the carrier has undertaken all measures necessary, it can resume its activities in the Community.

Thirdly, the Opinion suggests that in case of non-compliance of a carrier to the provisions of this Regulation the competent authority of the Member State in question shall communicate this non-compliance to not only the carrier and to the authorities of the other Member States where the carrier was planning to transport but also to all Member States. The Rapporteur believes that a system, established at the Community level, requires transparent communication between all members of the Community.

Furthermore, the Rapporteur is concerned that the Commission proposal lacks a definition of a procedure in case that an administrative mistake occurs during the procedure of issuing a certificate. The issuing of certificates is done by relevant competent authorities and a possibility of an error cannot be neglected. The Rapporteur therefore calls on the Members to further discuss the possibilities of such procedure.

Lastly, the Rapporteur believes that an exact date for the implementing acts establishing the Electronic System for Carrier Registration (ESCReg) is to be determined by the Regulation in order to ensure a timely implementation of the legislation. In addition, the Opinion suggests that the European Commission shall report to the Parliament on the functioning and performance of the ESCReg system 3 years after this Regulation has entered into force and afterwards every 5 years. The report shall include the assessment of the accessibility, functionality, stability, security and user friendliness and of the implementation of the compliance assurance requirements laid down in Article 7.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following
amendments in its report:

Amendment 1
Proposal for a regulation

Title 1

*Text proposed by the Commission*  
Proposal for a  
*COUNCIL REGULATION*  
establishing a Community system for registration of carriers of radioactive materials

*Amendment*  
Proposal for a  
*REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL*  
establishing a Community system for registration of carriers of radioactive materials

Amendment 2  
Proposal for a regulation

Citation 1

*Text proposed by the Commission*  
Having regard to the Treaty *establishing the European Atomic Energy Community*, and in particular the second paragraph of Article 31 and Article 32 thereof,

*Amendment*  
Having regard to the Treaty *on the Functioning of the European Union*, and in particular Article 91 thereof,

Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

Amendment 3
Proposal for a regulation

Citation 2

RR\1009862EN.doc  
37/61  
PE510.688v02-00
Text proposed by the Commission

Having regard to the proposal from the
Commission, drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee,

Amendment

Having regard to the proposal from the
European Commission,

Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

Amendment 4
Proposal for a regulation

Citation 4

Text proposed by the Commission

Having regard to the opinion of the European Parliament,

Amendment

Acting in accordance with the ordinary legislative procedure,

Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.
Amendment 5
Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Article 33 of the Treaty requires Member States to lay down the appropriate provisions to ensure compliance with the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

Amendment

(1) Directive 2008/68/EC on the inland transport of dangerous goods lays down rules on the inland transport of dangerous goods, including radioactive materials, for road, rail and inland waterway transport;

Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

Amendment 6
Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation are established by Council Directive 96/29/Euratom of 13 May 1996. That Directive applies to all practices which involve a risk of ionising radiation emanating from an artificial or a natural radiation source, including transport.

Amendment

(2) Transports of radioactive materials should, as transports of all other dangerous goods, be conducted in compliance with the international rules on dangerous and polluting goods, as well as the corresponding Agreement on the International Carriage of Dangerous Goods by Road (ADR), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), and the European Agreement concerning the International Carriage of Dangerous
Goods by Inland Waterways (ADN), as defined in Directive 2008/68/EC on the inland transport of dangerous goods;

**Justification**

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

**Amendment 7**

Proposal for a regulation

Recital 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(4) Transport being the only practice of a frequent cross-border nature, carriers of radioactive materials may be required to comply with requirements related to reporting and authorisation systems in several Member States. This Regulation replaces those reporting and authorisation systems in the Member States with a single registration system <strong>valid across the European Atomic Energy Community (hereinafter the ‘Community’).</strong></td>
<td>(4) Transport being the only practice of a frequent cross-border nature, carriers of radioactive materials may be required to comply with requirements related to reporting and authorisation systems in several Member States. This Regulation replaces those reporting and authorisation systems in the Member States with a single registration system.</td>
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**Amendment 8**

Proposal for a regulation

Recital 4 a (new)

<table>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(4a) There is a need to ensure efficient and harmonised implementation of this Regulation by defining common criteria, which Members States shall apply in</td>
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</table>
issuing certificates of carrier registrations, feasible and mandatory exchange of information with other Member States for ensuring control of carriers, verifying compliance, as well as reacting efficiently to emergency situations.

Amendment 9
Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In order to ensure uniform conditions for implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for the control by the Member States of the Commission's exercise of implementing powers.

Amendment
deleted

Amendment 10
Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

(7 a) Recognising the broad aim of reducing the regulatory burden on industry, the economic impact of the present regulation on the many small businesses that transport radioactive material within a single state's territory should be further monitored by the Commission.
Justification

This is important as the Commission has stated that the "specific effects on SMEs are very difficult to compute given the data available" and that the online stakeholder consultation period was conducted for a very short amount of time (10th December 2007 until 28 January 2008, Christmas holiday included).

Amendment 11
Proposal for a regulation

Article 1 – paragraph 1

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(1) This Regulation establishes a Community system for the registration of carriers of radioactive materials which facilitates the Member States' task of ensuring that the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations laid down in Directive 96/29/Euratom are complied with.</td>
<td>(1) This Regulation establishes a Community system for the registration of carriers of radioactive materials which facilitates the Member States' task of ensuring that the provisions of Directive 2008/68/EC on the inland transport of dangerous goods are complied with.</td>
</tr>
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</table>

Justification

Provisions concerning transports of radioactive goods are currently laid down in Directive 2008/68/EC on the inland transport of dangerous goods, based on the Treaty. It is therefore appropriate to choose the same legal base for this Regulation. It is not appropriate, as the Commission proposal foresees, to take away codecision powers from the European Parliament; even more as the proposal concerns important environmental and health issues. Generally, in consistency with European Parliament’s adoption of the BELET-Report (P7_TA(2011)0055) on 15/02/2011, and on the RIVASI-Report Radioactive substances in water intended for human consumption (P7_TA(2013)0068) on 12/03/2013, radioprotection rules should be dealt with under the Treaty.

Amendment 12
Proposal for a regulation

Article 1 – paragraph 1 a (new)

<table>
<thead>
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<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(1a) This Regulation shall ensure and maintain adequate safety standards in order to protect the public and the environment during transports of</td>
<td></td>
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</table>

PE510.688v02-00 42/61 RR:1009862EN.doc
radioactive materials.

Amendment 13
Proposal for a regulation

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(c) ‘high consequence dangerous goods - radioactive material’ means radioactive material which have the potential for misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction as defined in Appendix A.9. of the IAEA Nuclear Security Series No.9 ‘Security in the Transport of Radioactive Material’, Vienna, 2008;

Amendment

(e) ‘high consequence dangerous goods - radioactive material’ means radioactive material which have the potential for accidental release or misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction as defined in Appendix A.9. of the IAEA Nuclear Security Series No.9 ‘Security in the Transport of Radioactive Material’, Vienna, 2008;

Amendment 14
Proposal for a regulation

Article 3 – paragraph 5 a (new)

Text proposed by the Commission

5a. Each Member State shall retain the right to regulate or prohibit the transport of radioactive materials within its territory, on grounds other than safety, such as grounds of national security or environmental protection.

Amendment

Justification

The provisions applicable today and laid down in Directive 2008/68/EC on the inland transport of dangerous goods shall not be weakened.

Amendment 15
Proposal for a regulation

Article 3 – paragraph 5 b (new)
5b. Any transport of radioactive materials shall be conducted in accordance with the international rules and standards set by UNECE on dangerous and polluting goods, as well as the corresponding Agreement on the International Carriage of Dangerous Goods by Road (ADR), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), as defined in Directive 2008/68/EC on the inland transport of dangerous goods.

Amendment 16
Proposal for a regulation

Article 3a (new)

Text proposed by the Commission

Amendment

Article 3a
Common safety standards

The Commission shall, by means of delegated acts in accordance with Article 10, establish a common set of safety standards which carriers of radioactive materials have to comply with. These standards shall include, inter alia, requirements regarding radiological emergencies and information and training measures.

Amendment 17
Proposal for a regulation

Article 4 – paragraph 1
1. **Electronic System for Carrier Registration (ESCReg) shall be established and maintained by the Commission** for the supervision and control of the transport of radioactive material. The Commission shall define the information to be included in the system, technical specifications and requirements for the ESCReg.

Amendment

**Proposal for a regulation**

**Article 4 – paragraph 1 a (new) and paragraph 2 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>1a. The ESCReg shall allow carriers to apply for registration through a central web-interface. When establishing the ESCReg, the Commission shall ensure in advance the functionality of and access to the web-based registration system for carriers.</td>
<td></td>
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<tr>
<td>2a. The work for the establishment of the ESCReg by the Commission shall start immediately after the entry into force of this Regulation. A period of two years after this Regulation has entered into force shall apply for the Commission to demonstrate to the Council that the ESCReg has been established and is fully operational. The Commission shall inform the European Parliament as and when the ESCReg has been established and is fully operational.</td>
<td></td>
</tr>
</tbody>
</table>
3. The Commission shall not be responsible for the content and the accuracy of information submitted through the ESCReg.

Amendment

3. The Commission shall not be responsible for the content of information submitted through the ESCReg and this information must be accurate, timely and transparent.

Amendment 20
Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. Within eight weeks of issuing the acknowledgement of receipt the competent authority shall issue a certificate of carrier registration if it considers the submitted information to be complete and in compliance with this Regulation, Directive 96/29/Euratom and Directive 2008/68/EC.

Amendment

4. Within four weeks of issuing the acknowledgement of receipt, that can be delayed if extra time is deemed appropriate to uphold public safety, the competent authority shall issue a certificate of carrier registration if it considers the submitted information to be complete and in compliance with this Regulation, Directive 96/29/Euratom and Directive 2008/68/EC.

Amendment 21
Proposal for a regulation

Article 5 - paragraph 4 a (new)

Text proposed by the Commission

4a. For the verification of the applicant's compliance with this Regulation, the competent authority shall make use of the common safety criteria listed in Annex I (a) new. On the basis of feasibility and to further improve the uniform implementation of this Regulation and the radiation protection, this Annex shall be regularly reviewed, in accordance with the procedures referred to in Article 10.
Justification

In order to ensure effective and uniform implementation of safety requirements on carriers of radioactive materials, competent authorities should verify that a carrier applying for registration is indeed able to meet requirements, in terms of training, personnel, resources etc., in particular in case of transport accidents.

Amendment 22
Proposal for a regulation
Article 5 - paragraph 5 - subparagraph 2

Text proposed by the Commission
A copy of the certificate of carrier registration shall be provided automatically through the ESCReg to all the competent authorities of the Member States where the carrier intends to operate.

Amendment
A copy of the certificate of carrier registration shall be provided automatically through the ESCReg to all the competent authorities of the Member States.

Amendment 23
Proposal for a regulation
Article 5 – paragraph 6 – subparagraph 1

Text proposed by the Commission
If the competent authority refuses to issue a certificate of carrier registration on the grounds that the application is not complete or not in compliance with the applicable requirements, it shall respond in writing to the applicant within eight weeks after issuing the acknowledgement of receipt. Prior to such refusal, the competent authority shall require that the applicant corrects or supplements the application within three weeks from the receipt of this request. The competent authority shall provide a statement of the reasons for refusal.

Amendment
If the competent authority refuses to issue a certificate of carrier registration on the grounds that the application is not complete or not in compliance with the applicable requirements, it shall respond in writing to the applicant within four weeks after issuing the acknowledgement of receipt. Prior to such refusal, the competent authority shall require that the applicant corrects or supplements the application within three weeks from the receipt of this request. The competent authority shall provide a statement of the reasons for refusal.
Amendment 24
Proposal for a regulation

Article 5 – paragraph 6 – subparagraph 1 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In instances where a carrier needs an urgent permit, and this urgency can be justified on the grounds of reducing risks to medical patients, such as the delivery of radioactive materials used in hospitals for diagnosis and treatment, or for radioactive clean up following an accident or terrorist incident, then an official approval can be issued and approved as soon as possible pending the severity of the incident.</td>
<td></td>
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</tbody>
</table>

Amendment 25
Proposal for a regulation

Article 5 - paragraph 6 - subparagraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>A copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to all the competent authorities of the Member States where the carrier intends to operate.</td>
<td></td>
</tr>
<tr>
<td>A copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to all the competent authorities of the Member States.</td>
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</tbody>
</table>

Amendment 26
Proposal for a regulation

Article 7 – paragraph -1 (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>-1. The authorities responsible for radiation protection shall conduct unannounced inspections of every holder of a registration certificate at least once a year. They shall also carry out periodic checks on convoys after arrival at their final destination in order to prevent</td>
<td></td>
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</tbody>
</table>

-
contaminated vehicles, goods wagons or ships from being used again before they have been decontaminated.

Amendment 27
Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. If a carrier does not comply with the requirements of this Regulation the competent authority of the Member State where the non-compliance was discovered shall apply enforcement measures within the legal framework of that Member State, such as written notices, training and education measures, suspension, revocation or modification of the registration or prosecution, depending on the safety significance of the non-compliance and the record of compliance of the carrier.

Amendment

1. If a carrier does not comply with the requirements of this Regulation the competent authority of the Member State where the non-compliance was discovered shall apply enforcement measures within the legal framework of that Member State, first through immediate suspension of transport of radioactive materials by the carrier concerned, and then if deemed appropriate via written notices, training and education measures, suspension, revocation or modification of the registration or prosecution, depending on the safety significance of the non-compliance and the record of compliance of the carrier.

The competent authority of the Member State where the carrier is registered shall review the registration of the carrier concerned.

Other Member States and the Commission shall be informed about all cases of non-compliance.

Cases of non-compliance shall be reported to the ESCReg and made publically available on the internet.

In order to prevent fraud, dissuasive sanctions for non-compliance shall be established.
Amendment 28

Proposal for a regulation
Article 7 - paragraph 1 a (new)

Text proposed by the Commission
1a. If there is evidence that a competent authority issued a certificate for carriage of radioactive materials even if the application was not complete or insufficient, further measures shall then be defined by the Commission.

Amendment 29

Proposal for a regulation
Article 7 - paragraph 2

Text proposed by the Commission
2. The competent authority of the Member State where the non-compliance was discovered shall communicate to the carrier and to the competent authorities of the Member States, where the carrier was planning to transport radioactive materials information on enforcement action applied and a statement of reasons for application of that action. If the carrier does not comply with the enforcement action applied pursuant to paragraph 1, the competent authority of the Member State of establishment of the head office of the carrier or, if the carrier is established in a third country, the competent authority of the Member State, where the carrier intended to first enter the territory of the Community shall revoke the registration.

Amendment
2. The competent authority of the Member State where the non-compliance was discovered shall communicate to the carrier and to the competent authorities of all Member States, and the Commission information on enforcement action applied and a statement of reasons for application of that action. If the carrier does not comply with the enforcement action applied pursuant to paragraph 1, the competent authority of the Member State of establishment of the head office of the carrier or, if the carrier is established in a third country, the competent authority of the Member State, where the carrier intended to first enter the territory of the Community shall revoke the registration.
Amendment 30
Proposal for a regulation
Article 7 - paragraph 3

Text proposed by the Commission
3. The competent authority shall communicate to the carrier and to the other competent authorities concerned the revocation together with a statement of reasons.

Amendment
3. The competent authority shall communicate to the carrier and to all other competent authorities and the Commission the revocation together with a statement of reasons.

Amendment 31
Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 3

Text proposed by the Commission
The Commission shall communicate this information and any changes thereto to all competent authorities in the Community through the ESCReg.

Amendment
The Commission shall communicate this information and any changes thereto to all competent authorities in the Community through the ESCReg and make it available to the public on the internet.

Justification
The information on which is the competent authority and the national contact point can be of interest to the public and should therefore be publicly available.

Amendment 32
Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission
2. The information on the national rules on radiation protection applicable to the transport of radioactive materials shall be easily accessible to carriers through the contact points.

Amendment
2. The information on the national rules on radiation protection applicable to the transport of radioactive materials shall be easily accessible through the contact points.
Justification

The information on which rules apply can be of interest to the public and should therefore be publicly available.

Amendment 33
Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Upon carriers’ request the contact point and the competent authority of the respective Member State shall provide complete information on the requirements for the transport of radioactive materials on the territory of that Member State.

Amendment

Upon request of carriers or other interested parties, the contact point and the competent authority of the respective Member State shall provide complete information on the requirements for the transport of radioactive materials on the territory of that Member State.

Amendment 34
Proposal for a regulation
Article 9 - subparagraph 1

Text proposed by the Commission

Competent authorities of Member States shall cooperate with a view to harmonising their requirements for issuing a registration and to ensuring the harmonised application and enforcement of this Regulation.

Amendment

Competent authorities of Member States shall cooperate on the basis of common safety criteria, defined in Annex Ia, with a view to harmonising their requirements for issuing a registration and to ensuring the harmonised application and enforcement of this Regulation. The competent authorities shall be required to inform their counterparts in the other Member States of any breach of the provisions of this Regulation without delay.

Justification

In order to ensure effective and uniform implementation of safety requirements on carriers of radioactive materials, competent authorities should verify that a carrier applying for registration is indeed able to meet requirements, in terms of training, personnel, resources etc., in particular in case of transport accidents.
Amendment 35
Proposal for a regulation

Article 10 – title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation</td>
<td>Exercise of the delegation</td>
</tr>
</tbody>
</table>

Amendment 36
Proposal for a regulation

Article 10

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Commission shall adopt</td>
<td>1. The power to adopt the delegated acts referred to in this Directive is conferred on the Commission subject to the conditions laid down in this Article.</td>
</tr>
<tr>
<td>implementing acts establishing the Electronic System for Carrier Registration (ESCReg) described in Article 4.</td>
<td>2. The power to adopt delegated acts referred to in Article 4 shall be conferred on the Commission for an indeterminate period of time from (...).</td>
</tr>
<tr>
<td>These implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11.</td>
<td>3. The Commission shall report to the Parliament on the functioning and performance of the ESCReg system 3 years after this Regulation has entered into force and afterwards every 5 years. The report shall include the assessment of the accessibility, functionality, stability, security and user friendliness and of the implementation of the compliance assurance requirements laid down in Article 7.</td>
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<td>4. The delegation of power referred to in Article 4 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of the</td>
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</table>
delegated acts already in force.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 4 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Justification

European Parliament should be kept regularly informed about the use of the ESCReg. The first report shall be made 1 year after the end of the 2-year transitional period, thus 3 years after Regulation enters into force.

Amendment 37
Proposal for a regulation

Article 11

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>Article 11 deleted</td>
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</tbody>
</table>

Advisory Committee

The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European parliament and of the Council of 16 February 2011 laying down the rules and the general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.
Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

The committee shall advise and assist the Commission in the performance of its tasks provided for in this Regulation.

The committee shall be composed of experts nominated by the Member States and of experts nominated by the Commission and shall be chaired by a representative of the Commission.

Amendment 38
Proposal for a regulation
Article 12

Text proposed by the Commission
Article 12
Entry into force
This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment
Article 12
Entry into force and application
1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

2. Articles 5, 6, 7 shall apply from [2 years after the entry into force].

Justification

Carriers can and should exclusively register through the ESCReg in line with this Regulation once the registration system is fully operational.

Amendment 39
Proposal for a regulation
Annex 1 – paragraph 1 – table – part B – points 1 - 4

Text proposed by the Commission
1. Name, position, full address, telephone number and e-mail-address of the responsible representative of the carrier’s organisation (person empowered to commit

Amendment
1. Name, position, full address, mobile and land line telephone number and e-mail-address of the responsible representative of the carrier's organisation (person
the carrier’s organisation):

2. Name, position, full address, telephone number and e-mail-address of the contact person for the authorities on technical/administrative issues (who has the responsibility for compliance with the regulations for the activities deployed by the carrier company):

3. Name, position and full address of the safety adviser (only for inland transport modes and if different from 1 or 2):

4. Name, position and full address of the person responsible for the implementation of the Radiation Protection Programme if different from 1 or 2 or 3:

Amendment 40
Proposal for a regulation

Annex 1 – paragraph 4 – point 7 – paragraph - 1 (new)

Text proposed by the Commission  Amendment

If the carrier needs to add any additional details or clarifications relating to their application please mention them below:

Amendment 41
Proposal for a regulation

Annex 1 – paragraph 4 – point 7 – paragraph 1 a (new)

Text proposed by the Commission  Amendment

I, the carrier, hereby certify that I comply with the Common Safety Standards set by the Commission in accordance with Article 3a of this Regulation.
ANNEX Ia.

COMMON SAFETY CRITERIA

1. Information, guidance and training:
   a. General training (certification under ADR and radiation protection under Directive 96/26/Euratom)
   b. Function specific training
   c. Safety training (emergency response under Directive 96/29/Euratom)

The carrier will provide the exposed workers the relevant training in the field of radiation protection (Directive 2000/18/EC) and of emergency situations.

The carrier is required to keep records of the training provided to its personnel.

The competent authority is required to provide information and guidance on the safe transport of radioactive materials. Specifically, the competent authority shall provide the public and users with adequate information concerning the authority’s safety and regulatory approach, administrative procedures and decision making.

2. Radiological emergencies:

1. The language used in the preparation of documents on emergencies shall be appropriate to ensure correct and unambiguous understanding by users: consignors, carriers, suppliers and/or manufacturers of packages, regulatory bodies.

2. The carrier shall demonstrate adequate resources and support to respond to transport accidents. The carrier will need to act as a coordinator to inform or to get
advice from the competent authority involved on the response to an emergency. The carrier is required to designate a contact person in case of an accidental situation.

3. The objective of the emergency response is to minimize the risk associated with transport incidents by providing a fast and adequate response. An adequate response is one in which potential or actual damage to persons, property and the environment is mitigated to a minimum to the extent possible. Such a response includes at least: the dosimetry of individuals, as recommended by a radiation protection expert; the provision of adequate medical and radiological care for any injured or contaminated person; the proper disposition of radioactive material and clean-up of any radioactive material dispersed as a result of the accident; and the remediation of the accident site to bring it as far as possible to its initial normal condition and function. In some cases some actions may require an extended time; in these cases the initial response must at least ensure adequate medical care for any injured persons and the mitigation of any damage to property or harm to the environment.

4. The competent authority shall ensure a regular review of all measures for emergency response, including measures to be taken by the competent authority, the organisation involved in the transport of radioactive material and all other relevant players.

5. Every carrier must ensure that information is made available to the public about health protection measures, including:
   a. Basics on radioactivity and its effects on human health and the environment;
   b. Possible cases of radiological emergency and their possible consequences to the general public and
the environment;
c. Appropriate information on actions to be taken by the public in case of radiological emergency;
d. The appropriate local authority responsible for implementing the emergency measures.

The above information to the public must be updated at regular intervals.

3. Safety adviser
a. The carrier shall appoint a safety adviser.
b. The safety adviser shall have knowledge and experience in the field of radiation protection.

4. Dose assessment, individual monitoring, monitoring of workplaces shall be in accordance with the requirements of Directive 96/29/Euratom.

5. Radiation protection program (graded approach) which will include at least the following:
a. Scope of programme;
b. Safety culture;
c. Practical measures to ensure radioprotection objectives;
d. Roles and responsibilities in the organization;
e. Dose assessment;
f. Doses limits, constraints and optimization;
g. Surface contamination tests;
h. Segregation and other protective measures;
i. Emergency response arrangements;
j. Training;
k. Management systems for the safe transport of radioactive material.

6. Quality and compliance audit
according to guidelines established by the Commission.

7. Additional requirements:

a. A person involved in the carriage of dangerous goods must take all reasonable steps to ensure the physical protection of the goods and that unauthorised access to those goods is prevented.

For carriage by road, rail or inland waters, the goods are unloaded from the vehicle, wagon or vessel as soon as is reasonably practicable, after arrival at the place of delivery.

Justification

In order to ensure effective and uniform implementation of safety requirements on carriers of radioactive materials, competent authorities should verify that a carrier applying for registration is indeed able to meet requirements, in terms of training, personnel, resources etc., in particular in case of transport accidents.

RESULT OF FINAL VOTE IN COMMITTEE

<table>
<thead>
<tr>
<th>Date adopted</th>
<th>30.5.2013</th>
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</thead>
<tbody>
<tr>
<td>Result of final vote</td>
<td>+: 35</td>
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<tr>
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<td>-: 3</td>
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<td>0: 0</td>
</tr>
</tbody>
</table>

| Substitute(s) present for the final vote | Mark Demesmaeker, Rebecca Harms, Romana Jordan, Renate Sommer, Bart Staes |
RESULT OF FINAL VOTE IN COMMITTEE

<table>
<thead>
<tr>
<th>Date adopted</th>
<th>18.9.2013</th>
</tr>
</thead>
</table>
| **Result of final vote** | +: 36  
|                    | -: 8      
|                    | 0: 2      |
| **Members present for the final vote** | Zigmantas Balčytis, Ivo Belet, Bendt Bendtsen, Fabrizio Bertot, Jan Březina, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Christian Ehler, Adam Gierek, Norbert Glante, András Gyürk, Romana Jordan, Krisjānis Kariņš, Lena Kolarska-Bobińska, Philippe Lamberts, Marisa Matias, Angelika Niebler, Aldo Patriciello, Herbert Reul, Michèle Rivasi, Paul Rübig, Francisco Sosa Wagner, Konrad Szymański, Patrizia Toia, Catherine Trautmann, Ioannis A. Tsoukalas, Claude Turmes, Vladimir Urutchev, Adina-Ioana Vălean, Alejo Vidal-Quadras |
| **Substitute(s) present for the final vote** | Maria Badia i Cutchet, Antonio Cancian, Yves Cochet, António Fernando Correia de Campos, Ioan Enciu, Elisabetta Gardini, Jolanta Emilia Hibner, Seán Kelly, Bernd Lange, Corinne Lepage, Marian-Jean Marinescu, Mario Pirillo |
| **Substitute(s) under Rule 187(2) present for the final vote** | María Irigoyen Pérez, Cecilia Wikström, Sabine Wils |