



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels, 06 JUL. 2009
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Opinion

Title **Impact Assessment on: The proposal for a Council Regulation (Euratom) on administrative procedures for the transport of radioactive materials**

(draft version of 18 June 2009)

Lead DG **DG TREN**

1) Impact Assessment Board Opinion

(A) Context

The legislation on the transport of radioactive materials (TRAM) has developed in the past decades leading to a body of guidelines and regulatory instruments consisting of (a) international rules (b) community law and (c) national law. The legal basis for the actions at European level is provided by Title V of the EC Treaty on the common transport policy and by Chapter III of the Euratom Treaty. In secondary law there are several instruments regulating TRAM plus complementary and implementing acts. The objective of this initiative is to examine whether and how Community legislation should be revised in order to maintain high safety standards while preventing undue burdens on all parties, and mitigating the barriers to the smooth functioning of the internal market.

(B) Positive aspects

The report provides a good overview of the existing legislative framework and a clear problem definition as regards the barriers to smooth operation of TRAM in Europe. It also reports the economic costs and benefits for each option considered.

(C) Main recommendations for improvements

The IA needs to be improved on a number of issues. Firstly, the report needs to explain better the scope of the initiative – which parts of the overall legal framework will be addressed and which types of radioactive materials are primarily concerned. It should explain the reasons for the particular focus on a single issue (access barriers). Secondly, certain aspects of the cost-benefit analysis need further clarification and finally, the comparison of the options should be improved.

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During its meeting with the Board, DG TREN accepted these recommendations and agreed to make improvements along these lines

The recommendations below are listed in order of descending importance. Some more technical comments will be transmitted directly to the author DG.

General recommendation:

(1) Define explicitly the scope of the initiative. First, the report should clarify which *layers* of the existing regulatory framework (national law, EU law or international rules) are addressed by the recast exercise and which EU legal acts will be affected. Secondly, it should clarify which *aspects* of existing legislation will be addressed by the initiative (i.e. access barriers for carriers) and which will not (e.g. level of safety standards). The reasons for this particular focus for the recast, rather than a wider-ranging or more ambitious approach, should be explained. The report should also explain for which areas full harmonisation is proposed and where flexibility is left for Member States, and what the rationale for this approach is (e.g. to limit the diversification of the Member States' administrative procedures which may create barriers to the smooth functioning of the internal market). The specific and operational objectives should reflect the broad scope as regards radioactive materials covered and specific focus of the initiative more clearly. Finally, the report should provide a statistical overview of the market and demonstrate the relative importance of the issues identified in terms of different types of radioactive materials (nuclear waste, radioisotopes, radiation sources and non-nuclear waste).

(2) Present the underlying assumptions and results of the cost-benefit analysis in a more transparent way. The report should provide a more coherent explanation of the cost/benefit calculations in an Annex and, in the main body of the report, summarise the assessment methods and extrapolation assumptions (e.g. how the administrative burdens were calculated). Where relevant, appropriate caveats indicating the limited data availability, should be added. The report should also show the underlying cost/benefit components (e.g. inspection fees, licence fees, denial costs) and explain how the costs and benefits would be distributed among the participants of the TRAM value chain (competent authorities, carriers, producers and users).

(3) Provide a more transparent comparison of the options. The report should clarify the criteria which are used to assess the efficiency and effectiveness of the different options. Given the complex legal context, the report should assess the coherence of the options with other relevant pieces of EU legislation. In addition, given the social concerns and political discussion related to the matter of handling the radioactive materials, the report should briefly comment on political feasibility and social acceptance of the proposed measures.

(D) Procedure and presentation

The on-line public consultation was conducted from 10/12/2007 to 28/01/2008. It should be noted that for a consultation period which includes a holiday, a longer delay would have been appropriate. The report should also clarify which other groups beyond the main counterparts in TRAM participated in this consultation.

2) IAB scrutiny process

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