



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Shipments of Radioactive Substances (EU Exit) Regulations 2018**

DATE **3 December 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

The Shipments of Radioactive Substances (EU Exit) Regulations 2018

The law which is being amended

The 2018 Regulations contain provisions which fall within devolved competence; this SI revokes the following legislation in so far as it applies within UK law and replaces it so far as possible:

EU Directly Applicable

Council Regulation (Euratom) No 1493/93 on shipments of radioactive substances between Member States (the Euratom Regulation).

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

The SI does not limit or negatively impact on the legislative competence of the Assembly or of the Welsh Minister's executive competence.

The purpose of the amendments

Under the Withdrawal Agreement (section 3) the Euratom Regulation as EU directly applicable legislation would automatically become retained EU law. It would not be able to operate as it applies to 'shipments between Member States'. In a no-deal scenario, legislation is required to remedy this deficiency and ensure operability on exit day.

This SI does not amend the existing legislation but provides for a replacement regime, so far as possible, in relation prior notification of shipments of radioactive substances into the UK from EU Member States following the UK's exit from the European Union.

This SI revokes the Euratom Regulation as of exit day.

The SI imposes obligations on domestic operators, and the relevant devolved environmental regulator, in relation to consignments of radioactive substance being brought to the UK

from an EU Member State. Without the provisions provided in this SI, there would not be direct legal requirement for prior notification to the environmental regulators of shipments of radioactive substances coming into the UK from EU Member States.

The SI and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-shipments-of-radioactive-substances-eu-exit-regulations-2018>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the nature of the amendments to retain operability of the legislation on exit day. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.