



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 27 January 2005 (28.01)
(OR. en,pt)**

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**Interinstitutional File:
2004/0249 (CNS)**

ATO 16

NOTE

from: General Secretariat of the Council

to: delegations

No. Cion prop.: 14686/04 ATO 121 (COM(2004) 716 final)

Subject: Proposal for a Council Directive on the supervision and control of shipments of radioactive waste and spent fuel

Delegations will find attached comments from the Portuguese delegation on the above matter.

Comments by Portugal on the proposal for a Council Directive on the supervision and control of shipments of radioactive waste and spent fuel

(14686/04 ATO 121 of 18 November 2004)

1. The term "irradiated nuclear fuel" does not mean the same as "spent fuel" and should be included in the definitions.
2. Prior notification of the Member States involved is vital in preventing emergencies. It is even more important to make this point clear since the provisions in the proposal for a Directive on transit through non-Member States are also unclear.
3. It is unacceptable that approval should be automatic if no reply is received. This is even more serious where transit through Member States' (or non-Member States') territorial waters is involved. Here again, prior notification is vital.
4. We do not understand why the title of the Directive currently being revised does not appear in the amending proposal.
5. Allowing one year for transposition of the Directive is unrealistic.
