



Ordinance on Producer's Responsibility for Certain Radioactive Products and Orphan Sources;

Issued on April 19, 2007.

The Swedish Government¹ has issued the following:

1 § This Ordinance is issued under the provisions of chapter 15 §§ 6 and 7 in the Environmental Code. The purpose of this Ordinance is that producers shall be responsible for taking care of products containing radioactive substances and orphan sources that become radioactive waste and handle them in a satisfactory manner with regard to radiation protection.

Definitions

2 § *Radioactive products* are defined in this Ordinance as products containing radioactive substances and which

1. are not covered by the licensing requirements in accordance with the Act on Nuclear Activities (1984:3), or
2. shall be taken care of by a producer in accordance with the Ordinance (2005:209) on Producer Responsibility for Electrical and Electronic Products.

3 § *Producer* is defined in this Ordinance as the professional manufacturer, retailer or importer of radioactive products to Sweden.

4 § *Orphan source* is defined in this Ordinance as a radioactive source which has a level of activity which at the time of detection exceeds the level for which it is exempt in the Radiation Protection Act (1988:220) in accordance with 2 § first paragraph in the Radiation Protection Ordinance (1988:293), and which is not under the control of the

¹ Compare Council Directive 2003/122/Euratom of December 22, 2003, on the Control of High Activity Sealed Radioactive Sources and Orphan Sources) (EUT L 346, 31.12.2003, p. 57, Celex 32003L0122). See also the European Parliament and Council Directive 94/34/EG from June 22, 1998, concerning a procedure for the provision of information in the field of technical standards and regulations and concerning regulations for information society services (EGT L 204, 21.7.1998, p. 37, (Celex 31998L0034), amended through the European Parliament and Council Directive 98/48/EG (EGT L 217, 5.8.1998, p. 18, Celex 31998L0048).



supervisory authority because it has never been under its control, or because it has been abandoned, lost, moved from an identified place, stolen, or transferred to a new recipient without the required notification to the Swedish Radiation Protection Authority, or without informing the recipient.

5 § The terms and expressions which are used in this Ordinance have the same meaning as in the Environmental Code, Radiation Protection Act (1988:220) and Ordinance on Waste (2001:1063)

Information about products which are sold

6 § A producer who sells radioactive products shall submit information about the products to the Swedish Radiation Protection Authority. The information shall include:

1. which products and which quantity of the products are sold in Sweden,
2. which categories of radioactive waste the products can be expected to give rise to,
3. in which manner the producer intends to take his responsibility for the waste in accordance with the Radiation Protection Act (1988:220) and this Ordinance, and
4. how the obligation to ensure the costs of dealing with the waste in accordance with 13 § has been met.

Marking

7 § A producer selling radioactive products in Sweden after August 31, 2007, shall ensure that the products are marked with

1. the information necessary to identify the producer, and
2. the information that the radioactive waste which the product result in will be taken care of without cost.

If necessary, because of the size or function of the product, the marking may take the form of written information that accompanies the product.

Obligation to take care of the waste

8 § A producer shall take charge of radioactive products that are radioactive waste, if the producer has sold the products resulting in waste in Sweden after August 31, 2007.



9 § A producer shall participate in taking charge of radioactive waste that comprises

1. radioactive products on the market before September 1, 2007, or
2. orphan sources that the Swedish Radiation Protection Authority gives to the producer.

Obligations in accordance with the first paragraph shall be fulfilled by the producer for each period of time the Swedish Radiation Protection Authority determines and is responsible for the same proportion of the waste in Sweden as the producer's market share of radioactive products sold. The proportion can be a product category, product market or other suitable division.

10 § The producer shall without financial reimbursement take care of

1. waste as described in 8 § , and
2. waste as described in 9 § first paragraph, if it is returned to the producer or to the collecting system that the producer has specified when selling the corresponding quantity of new radioactive products.

11 § For the waste that can be expected to arise in Sweden, the producer shall fulfil his obligation in accordance with 8 an 9 §§ by ensuring that

1. there is a suitable collection system for the waste, and
2. the waste which is collected is disposed of in accordance with the Radiation Protection Act (1988:220) and regulations issued in accordance with the act as well as in a manner which is environmentally acceptable.

12 § A collection system as specified in 11§ shall be considered suitable if it

1. provides good service for depositors throughout the country,
2. is adapted for different categories of radioactive waste with regard to collection method and geographic distribution, and
3. means that the waste can be delivered to, or collected by a representative of, the system even if the producer's obligation according to 8 – 10 §§ is limited to certain products or a portion of the waste produced.



Obligation to ensure financing

13 § A producer who sells radioactive products in Sweden shall through a financing system, insurance, blocked accounts, or in another suitable manner, ensure that there is financial cover to the fulfilment of the producer's obligation to dispose of the radioactive waste according to 8 § compared with 11 § even if the producer ceases his activities or for another reason fail in his fulfilment.

The guarantee of funds shall be considered suitable if, with regard to the products sold, expected use, and life and other conditions, it is probable that the obligation will be fulfilled or that the person who fulfils the producer's obligation can receive reimbursement for the costs involved.

Information on the waste and its treatment

14 § A producer shall submit information to the Swedish Radiation Protection Authority on the quantities and categories of radioactive waste that has been collected in accordance with 11 § or has been returned to the producer.

A producer shall report to the Swedish Radiation Protection Authority how he has fulfilled his obligation in accordance with this Ordinance.

Market shares

15 § The Swedish Radiation Protection Authority shall, based on the information submitted in accordance with 6 and 14 §§, decide upon the producer's share in accordance with 9 § and inform the producer of these shares.

Authorisation

16 § The Swedish Radiation Protection Authority is empowered to issue regulations as necessary for the implementation of 6 , 7, 9 and 11 – 14 §§.

Exemption

17 § The Swedish Radiation Protection Authority may in individual cases grant exemption from the stipulations in this Ordinance if this can be achieved without the purposes of the Ordinance being set aside.



Penalty

18 § Fines will be imposed on those who through intent or negligence do not fulfil their obligation to

1. see that radioactive products are marked in accordance with 7 §,
2. dispose of radioactive waste and orphan sources in accordance with 8, 9 and 11 §§, or
3. ensure financing in accordance with 13 §.

Liability shall not be settled in accordance with this paragraph, if the liability for the actions can be settled in accordance with ch. 29 of the Environmental Code or the Radiation Protection Act (1988:220).

This Ordinance comes into effect on July 1, 2007.

For the government
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