

To Dr. Benedek Jávör
Member of the European Parliament
European Parliament

Subject: Response to the inquiry about the damaged fuel transported to Russia in the August of 2014

Dear Member of the Parliament,

Concerning your letter inquiring about the encapsulated fuel transported from Paks Power Plant to the Mayak Reprocessing Facility I inform you about the following:

1. According to the agreement (further on referred to as “Agreement”) between the MVM Paks Power Plant PLC and the Russian party, which was ratified by the Euratom Supply Agency (further on referred to as: ESA), spent (encapsulated) fuel was transported into the reprocessing facility.
2. In terms of the Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel¹ (further on referred to as “Directive”), the competent authorities of the Member States (the Hungarian Atomic Energy Authority in the case of Hungary) do not authorize transportations into third countries that, according to the opinion of the competent authorities in the Member State of Origin –in accordance with the criteria laid out by the European Commission and referred to in Article 16 paragraph (2) of the Directive – do not have the administrative and technological capacity and authority body mentioned in the “Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste”² (further on referred to as “Joint Convention”).

In forming an opinion about the subject in question, Member States take into consideration the relevant information given by the other Member States. The Member States inform the European Commission and the Advisory Council created by Article 21 of the Directive annually about unauthorized transportations.

Russia has been a part of the Joint Convent since 2006; therefore, the scope of the Convention includes the Russian facilities responsible for managing and storing spent fuel and radioactive waste. During the authorization process of the transportation Russia has guaranteed to follow the Articles of the Joint Convention while managing of the encapsulated fuel.

3. Based on the Agreement, the objective of the transportation is the temporary storage and non-military reprocessing on the territory of the Russian Federation of the spent (encapsulated) fuel and the temporary storage and final disposal of radioactive waste created during reprocessing.

¹ National regulations in accordance with the Directive are included in the Gov. Directive of 34/2009. (II.20.) on the authorization of cross-country transportation of radioactive waste and spent fuel (referenced directives: 3. § (1) paragraph and section e) of 11. §)

² The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste, which was formulated under theegis of the International Atomic Energy Agency, adopted on 5th September 1997, Vienna, was implemented by the Act LXXVI of 2001.

4. Based on the agreement ratified by the ESA, starting from the date of receiving the spent (encapsulated) fuel, all obligations and rights are transferred to the Russian party with the condition, in accordance with the Agreement, that the spent (encapsulated) fuel shall not be used for military purposes. Russia has given its guarantee to use this fuel for non-military purposes exclusively.
5. According to Paragraph (4) of Article 4 of the 2011/70/Euratom Directive, you referred in the question, radioactive waste shall be finally disposed in the Member State in which it was generated; however, in relation to the spent (encapsulated) fuel, no radioactive waste has been developed in Hungary; the transportation of fuel was for reprocessing purposes.
6. In accordance with section 4 of this letter: based on the agreement ratified by the ESA, starting from the date of receiving the spent (encapsulated) fuel, all obligations and rights are transferred to the Russian party with the condition, in accordance with the Agreement, that the spent (encapsulated) fuel shall not be used for military purposes. Russia has given its state guarantee to use this fuel for non-military purposes exclusively.

I would like you to please accept my response.

Budapest, 30th October 2014

Yours sincerely,

Dr. Miklós Seszták