

Binding and non-binding tools for facilitation: a comparative analysis of the international and national framework for safe and secure transport by road

To tackle the issue of delays of and denials in the shipments of radioactive material, one of the main national tools is the identification of regulatory barriers or inconsistencies between national and international legislation, considering the different modes of transport. In this context, the National Committee for the Facilitation of Safe Transport of Radioactive Materials (established in May 2025 by the Regulatory Body) promoted a gap analysis on road transport regulations. This analysis was not limited to formal legal sources but also considered any other acts or practices that, in effect, create administrative obstacles to the shipment of radioactive materials.

The transport of radioactive material is governed by an extensive and complex regulatory framework, which spans general international law, modal law, international nuclear law, regional law, and national law. This framework consists of multiple layers of binding and non-binding standards, regulations, and recommendations. One of its main sources is a non-binding instrument: the IAEA Safety Requirements SSR-6 (Rev. 1). Although the International Atomic Energy Agency encourages Member States to adopt these requirements when formulating and implementing their national regulatory frameworks for the transport of radioactive material, achieving full harmonization still appears, in some respects, as never-never land.

In Italy, the regulatory framework for road transport of radioactive materials derives mainly—but not exclusively—from the transposition of the IAEA Safety Requirements SSR-6 (Rev. 1) into domestic law. More specifically, this occurs through the adoption of the provisions contained in the annexes to the ADR, themselves annexed to Directive 2008/68/EC of the European Parliament and Council on the inland transport of dangerous goods by road. Since its implementation through Legislative Decree No. 35/2010, these requirements have been unequivocally applicable to the domestic transport of dangerous goods, including radioactive materials, both within and between EU Member States.

The transposition process—gradual and carried out within the framework of European rules, which take precedence over national law—left room for the introduction of variations and additional requirements, introduced through a non-binding administrative circular of the Ministry of Transport (Circular No. 162, issued on December 16, 1996).

The paper will present the methodology adopted by FATRAM, which involved broad consultation with competent public administrations and stakeholders, as well as the definition of specific solutions aimed at removing burdens and obstacles to transport, and at ensuring the adoption of practical guidance for the correct implementation of international standards.

Country or International Organization

Instructions

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