

Community framework for the nuclear safety of nuclear installations

2008/0231(CNS) - 26/11/2008 - Legislative proposal

PURPOSE: to re-start the process of establishing a common EU framework on nuclear safety with the objective of achieving and maintaining a high comparable level of nuclear safety throughout the Community.

PROPOSED ACT: Council Directive (Euratom).

BACKGROUND: on 30 January 2003, the Commission adopted two proposals of Directives dealing respectively with the [safety of nuclear facilities](#) and the [management of spent fuel and radioactive waste](#).

At the same time, both proposals were discussed in the Council, under the Italian and Irish Presidencies. As a majority allowing the adoption or the rejection of both proposals was not possible to be obtained, it was agreed that Council conclusions would be worked out by consensus. Draft Conclusions on nuclear safety and on the safety of the management of spent nuclear fuel and radioactive waste were adopted by the Council in June 2004, leading to the creation of the Council Working Party on Nuclear Safety (WPNS).

The renewed interest in nuclear power expressed by a number of Member States, with the perspective of numerous life extensions and construction of new plants, makes the timing of this revised proposal particularly appropriate. It is evident that the effects of radiological incidents do not stop at borders, with potential consequences both for the health of workers and citizens, but also wide ranging economic implications for the energy generating industry. Enacting in binding Community legislation internationally endorsed nuclear safety principles would ensure an additional level of guarantee for the public in the EU.

CONTENT: the present draft Directive setting up a Community framework on Nuclear Safety aims at restarting the process of establishing a common EU framework on nuclear safety, by updating and replacing the 2003 Commission proposal for a Council (Euratom) Directive setting out basic obligations and general principles on the safety of nuclear installations, included in the initial Nuclear Safety Package.

Its basic approach is that a set of common principles in the field of nuclear safety, already included in the CNS, are regulated at Community level, supplemented with additional safety requirements for new nuclear power reactors, which Member States are encouraged to develop in line with the principle of continuous improvement of safety, on the basis of the safety levels developed by WENRA and in close collaboration with the European High Level Group on Nuclear Safety and Waste Management (HLG). In addition, the revised legislative proposal builds on the technical work of the Western European Nuclear Regulators Association (WENRA) completed in 2006 for existing nuclear installations, with the participation of all European nuclear safety regulators.

The main provisions of the proposal are as follows:

Responsibility and framework for the safety of nuclear installations: responsibility for the safety of nuclear installations reflects one of the fundamental principles of nuclear safety. The prime responsibility for the safety of nuclear installations, throughout their lifetime, rests with the holder of the license under the control of the regulatory body. Furthermore, the safety measures and controls to be implemented in a nuclear installation shall be decided only by the regulatory body and realised by the licence holder. Member States should establish and maintain a legislative and regulatory framework for nuclear safety.

This provision is already adhered to by all Member States and should not pose any difficulty for implementation.

Regulatory bodies: the proposal reinforces the role and the independence of the national regulatory bodies, building on their competencies. In order to facilitate autonomous decisions giving priority to nuclear safety, the effective independence of the regulatory body from all organizations tasked to promote, operate nuclear installations or justify societal benefits, as well as its freedom from undue influence must be ensured.

The regulatory body, provided with adequate authority, competence and financial and human resources to fulfil its responsibilities and duties, will:

- be entrusted with the supervision and regulation of the safety of nuclear installations, as well as with ensuring of the implementation of safety requirements, conditions and regulations;
- have the responsibility of granting licences and monitoring their application on siting, design, construction, commissioning, operation or decommissioning of nuclear installations;
- have the duty to ensure that licence holder have staff in sufficient numbers and level of qualification to run the installations.

In order to continuously improve the regulatory infrastructure, the regulatory body and the national regulatory structure will be subject to periodic international peer reviews.

In the framework of this provision, the national regulatory bodies and the regulatory systems will be subject to regular international peer review missions by the IAEA International Regulatory Review Service (IRRS) missions, and subscribe to prepare at least a self assessment every ten years.

Transparency: the provisions set out respond to the necessity ensure access to reliable information and to allow the public to participate to a transparent decision-making process.

Safety requirements and regulations for nuclear installations: the proposal reiterates and reinforces Member States' obligation to respect the IAEA safety fundamentals as well as to observe the internationally agreed obligations and requirements of the CNS.

As regards the safety of new nuclear power reactors, Member States are encouraged to develop additional safety requirements, in line with the continuous improvement of safety on the basis of the safety levels developed by WENRA, and in close collaboration with the HLG. In this context, it should be underlined that, once the Council has agreed on the text of the Directive, the Commission will adapt accordingly the mandate of the HLG as established by its founding Commission Decision.

Obligations of licence holders: this proposal sums up the obligations of licence holders for fulfilling the requirements as regards nuclear safety and emphasises their duties to establish and implement management systems and possess adequate financial and human resources for nuclear safety.

Supervision: the nuclear safety assessments, investigations, control and enforcement actions of the regulatory body must be carried out throughout the whole lifetime of installations, including during decommissioning. This is another commonly agreed principle. In order to strengthen the powers of European regulators, the present Directive provides for extended regulatory powers in the interest of safety. In case of serious or repeated safety rules breaches, the regulatory body shall have the power to withdraw the operating licence and order the suspension of operations of any plant if it deems that safety is not fully guaranteed.

Nuclear safety expertise: appropriate education and training opportunities for continuous theoretical and practical training in nuclear safety shall be made available by Member States separately and through transnational cooperation.

Priority to safety: in line with the principle of priority of safety, Member States have the possibility to impose at national level more stringent safety measures than those provided for in the draft Directive.