

Community framework for the nuclear safety of nuclear installations

2008/0231(CNS) - 22/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 511 votes to 116, with 36 abstentions, a legislative resolution amending, under the consultation procedure, the proposal for a Council directive (Euratom) setting up a Community framework for nuclear safety.

The main amendments are as follows:

Objective and scope: Members stress that the Directive aims at creating a **Community framework for nuclear safety** in the EU. It sets out a foundation for legislation and regulatory arrangements in the Member States concerning nuclear safety and aims at achieving, maintaining and continuously improving nuclear safety in the Community and to enhance the role of the national regulatory bodies.

The directive will apply to work carried out by subcontractors used by operators.

Definitions: Parliament made some amendments to the definitions of “nuclear installation”, “regulatory body”, “licence” and “new power reactors”.

Legal framework for the safety of nuclear installations: the amended article is a reorganisation of the text and concerns the obligation of Member States to adopt a legislative and regulatory framework ensuring the regulation and the supervision of nuclear installations. This includes: (i) an appropriate regulatory framework, notably providing for national safety requirements, licensing system and regulatory inspections, and the right for Member States to impose more stringent safety measures; (ii) a priority given to safety policies; (iii) a peer review of the regulatory framework and regulatory body in place. The text specifies that Member States shall ensure that at least every 10 years the regulatory body and the national regulatory system is submitted to an international peer review aimed at continuously improving the regulatory infrastructure. The results of the international peer review must be notified to the Commission.

Designation and responsibilities of the regulatory bodies: this reorganised article is dedicated to the regulatory body, its tasks, resources and competences. The independence of the regulatory body as regards governments and nuclear industry policy is strengthened and further developed. The regulatory body must be legally distinct and functionally independent from any other public or private entity. The staff of the regulatory body and the persons responsible for its management must act independently from any market interest and shall not seek or take instructions from any government or other public or private entity, when carrying out its regulatory duties.

The national regulatory body is responsible for regulating, supervising and assessing the safety of nuclear installations. Parliament deleted the clause enabling regulatory authorities to grant licences. The regulatory body must carry out nuclear safety assessments, investigations and controls and, where necessary, enforcement actions in nuclear installations throughout their lifetime, including during decommissioning. It must be empowered to order the suspension of operations of any nuclear installations in cases where safety is not guaranteed.

Regulatory bodies of Member States shall exchange best regulatory practice and develop a common understanding of internationally accepted nuclear safety requirements.

Transparency: Member States shall inform the public and the Commission about the procedures and the results of the surveillance activities on nuclear safety and shall inform the public immediately in the event of any incident.

Safety requirements for nuclear installations: Members note that the International Atomic Energy Agency (IAEA) rules should reflect best international practice as regards safety requirements and therefore constitute a good basis for Community legislation. They cannot be introduced into Community law by simple reference to the IAEA Safety Standards Series No. SF-1 (2006) in this Directive. An Annex containing the Fundamental Safety Principles is inserted into the text, in order to make observance of the principles legally binding.

Accordingly, an **Annex entitled “Safety Objectives”** is added to the text.

In addition, Members deleted the reference to additional safety requirements which must be in line with the continuous improvement of safety on the basis of the safety levels developed by the Western European Nuclear Regulators' Association (WENRA) and in close collaboration with the European High Level Group on Nuclear Safety and Waste Management. Parliament considered that the reference to the safety levels developed by WENRA, as regard new nuclear reactor, cannot be inserted in the core of the Directive since common safety reference levels for future reactors are not mature yet.

The Commission shall ensure that all third countries that wish to enter or are in the process of negotiating their accession to the EU will comply, as a minimum, with the standards set out in the Directive and the principles in the Annex, as set by the IAEA.

Responsibilities of licence holders: Parliament confirms that the prime responsibility for the safety of nuclear installations, throughout the lifetime of the nuclear installations, shall rest with the holder of the licence. This responsibility of the licence holder cannot be delegated. licence holders are responsible for the design , construction , operation and decommissioning of their nuclear installations in accordance with the provisions set out in the text. It adds that the regulatory body must assess regularly the sufficiency and qualifications of the staff of the licence holder, as a prerequisite for ensuring nuclear safety, on the basis of a report presented by the licence holder on the evaluation of employment issues such health and safety and the safety culture, qualifications and training, numbers of staff employed and use of subcontractors.

In addition, the relevant regulatory authorities shall, every 3 years, present a report on nuclear safety and safety culture. The Commission, in consultation with the European social partners, may propose improvements to ensure nuclear safety including health protection at the highest possible level in the EU.

Report: Member States shall report to the Commission on the implementation of this Directive at the same time and frequency as for their national reports under review meetings of the Convention of the Nuclear Safety.