Management of spent fuel and radioactive waste: EU legal framework

2010/0306(NLE) - 19/07/2011 - Final act

PURPOSE: to set out an EU legal framework for spent fuel and radioactive waste management.

NON-LEGISLATIVE ACT: Council Directive 2011/70/Euratom establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste.

CONTENT: the Council adopted a directive establishing a **Community framework for the responsible and safe management of spent fuel and radioactive waste** in order to avoid imposing undue burdens on future generations. The Austrian, Luxembourg and Swedish delegations abstained from voting.

Scope: the Directive shall apply to all stages of spent fuel management when the spent fuel results from civilian activities and radioactive waste management, from generation to disposal, when the radioactive waste results from civilian activities.

High level of safety: the directive ensures that Member States provide for national arrangements for a high level of safety in spent fuel and radioactive waste management to protect workers and the general public against the dangers arising from ionizing radiation and sets out key principles on which national policies should be based.

To this end, Member States will establish and maintain a national framework addressing the setting of **national programmes** for the management of fuel and waste, licensing, control and inspections, enforcement actions such as suspension of activities, allocations of responsibilities, public information and consultation and financing. In addition, each Member State will establish and maintain a regulatory authority for spent fuel and radioactive waste management, with certain conditions set to ensure their independence.

Member States shall ensure that the national framework require licence holders to provide for and **maintain adequate financial and human resources** to fulfil their obligations with respect to the safety of spent fuel and radioactive waste management.

Competent regulatory authority: each Member State shall establish and maintain a competent regulatory authority in the field of safety of spent fuel and radioactive waste management. Member States shall ensure that the competent regulatory authority is functionally separate from any other body or organisation concerned with the promotion or utilisation of nuclear energy or radioactive material, including electricity production and radioisotope applications, or with the management of spent fuel and radioactive waste, in order to ensure effective **independence** from undue influence on its regulatory function.

General principles: Member States shall establish and maintain national policies on spent fuel and radioactive waste management. Each Member State shall have ultimate responsibility for management of the spent fuel and radioactive waste generated in it.

National policies shall be based on all of the following principles:

(a) the generation of radioactive waste shall be kept to the minimum which is reasonably practicable, both in terms of activity and volume, by means of appropriate design measures and of operating and decommissioning practices, including the recycling and reuse of materials;

(b) the **interdependencies between all steps in spent fuel and radioactive waste generation** and management shall be taken into account;

(c) spent fuel and radioactive waste shall be **safely managed, including in the long term** with passive safety features;

(d) implementation of measures shall follow a **graded approach**;

(e) the **costs for the management** of spent fuel and radioactive waste shall be borne by those who generated those materials;

(f) an **evidence-based and documented decision-making process** shall be applied with regard to all stages of the management of spent fuel and radioactive waste.

Transparency: Member States shall ensure that necessary information on the management of spent fuel and radioactive waste be made available to workers and the general public. This obligation includes ensuring that the competent regulatory authority informs the public in the fields of its competence. Information shall be made available to the public in accordance with national legislation and international obligations.

Reports: Member States shall submit a report to the Commission on the implementation of this Directive for the first time by 23 August 2015, and every 3 years thereafter, taking advantage of the review and reporting under the Joint Convention. On the basis of the Member States' reports, the Commission shall submit to the European Parliament and the Council the following: (a) a report on progress made with the implementation of this Directive; and (b) an inventory of radioactive waste and spent fuel present in the Community's territory and the future prospects.

ENTRY INTO FORCE: 22/08/2011.

TRANSPOSITION: 23/08/2013.