

Community framework for the nuclear safety of nuclear installations

2013/0340(NLE) - 08/07/2014 - Final act

PURPOSE: to amend the rules establishing a Community framework for the nuclear safety of nuclear installations with a view to improving nuclear safety.

NON-LEGISLATIVE ACT: Council Directive 2014/87/Euratom amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.

CONTENT: the Fukushima nuclear accident in Japan in 2011 renewed attention worldwide on the measures needed to minimise risk and ensure the most robust levels of nuclear safety.

Based on a mandate from the European Council in March 2011, the Commission, together with the European Nuclear Safety Regulator Group ('ENSREG'), carried out Union wide comprehensive risk and safety assessments of nuclear power plants ('stress tests'). The results identified a number of improvements which could be implemented in nuclear safety approaches and industry practices in the participating countries.

The revised Directive introduces objectives as regards nuclear safety at EU level, further strengthens the independence and role of the national regulatory authorities, increases transparency on issues of nuclear safety and enhances the exchanging of experiences.

It introduces EU-wide nuclear safety objectives that aim to limit the consequences of a potential nuclear accident as well as address the safety of the entire lifecycle of nuclear installations (siting, design, construction, commissioning, operation and decommissioning of nuclear plants), including **on-site emergency preparedness and response**.

In particular, this objective calls for significant safety enhancements in the design of new reactors for which the state of the art knowledge and technology should be used, taking into account the latest international safety requirements.

Independence of national regulatory authorities: the Directive provides that it is of utmost importance that the competent regulatory authority has the ability to exercise its powers impartially, transparently and free from undue influence in its regulatory decision-making to ensure a high level of nuclear safety. The provisions on **functional separation of competent regulatory authorities** should be strengthened to ensure the regulatory authorities' effective independence from undue influence in their regulatory decision-making.

The competent regulatory authorities should: (i) be given **dedicated and appropriate budget allocations** to allow for the delivery of its regulatory tasks; (ii) establish procedures for the prevention and resolution of any **conflicts of interest**; (iii) be given sufficient legal powers, sufficient staffing and sufficient financial resources for the proper discharge of its assigned responsibilities.

Licence holders: the prime responsibility for the nuclear safety of a nuclear installation rests with the licence holder. That responsibility cannot be delegated and includes responsibility for the activities of contractors and sub-contractors.

Licence holders are to: (i) **regularly assess**, verify, and continuously improve, as far as reasonably practicable, the nuclear safety of their nuclear installations in a systematic and verifiable manner; (ii) establish and implement management systems which give due priority to nuclear safety; (iii) provide for appropriate **on-site emergency procedures** and arrangements, including severe accident management guidelines; (iv) provide for and maintain **financial and human resources** with appropriate qualifications and competences, necessary to fulfil their obligations.

Skills and competences: all parties should ensure that all staff having responsibilities relating to the nuclear safety of nuclear installations and to on-site emergency preparedness and response arrangements, undergo a **continuous learning process**. Appropriate budgetary provisions should be set aside for training.

Transparency: the revised Directive further enhances transparency on nuclear safety matters. The provisions on the **information to be provided to the general public** are more specific as regards which type of information should be provided. In addition, the general public will have opportunities to **participate in the relevant phases of the decision-making process** relating to nuclear installations in accordance with the national framework, taking into account the different national systems. Decisions concerning safety actions and the supervision of nuclear installations remain solely with the operators and national authorities.

Peer reviews: Member States shall, **at least once every 10 years**, arrange for periodic self-assessments of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and competent regulatory authorities with the aim of continuously improving nuclear safety. Outcomes of such peer reviews shall be reported to the Member States and the Commission, when available.

Member States shall ensure that arrangements are in place to allow for the first topical peer review to start in 2017, and for subsequent topical peer reviews to take place at least every six years thereafter.

In case of an accident leading to situations that would require **off-site emergency** measures or protective measures for the general public, the Member State concerned shall ensure that an international peer review is invited without undue delay.

Reporting: Member States shall submit a report to the Commission on the implementation of this Directive for the first time by 22 July 2014, and then by 22 July 2020.

ENTRY INTO FORCE: 26.07.2014.

TRANSPOSITION: 15.08.2017.