

# Community framework for the nuclear safety of nuclear installations

2008/0231(CNS) - 18/11/2015 - Follow-up document

The Commission presents a report on the implementation of Council Directive 2009/71/Euratom 2009 establishing a Community framework for the nuclear safety of nuclear installations.

The Council's adoption of the Nuclear Safety Directive on 25 June 2009 was a major step towards achieving a common legal framework on nuclear safety in Europe. The objective of the Directive is to maintain and promote the continuous improvement of nuclear safety. The Directive entered into force on 22 July 2009. Member States had until 22 July 2011 to transpose it.

**Major developments since the publication of Directive 2009/71/EURATOM:** following the 2011 Fukushima nuclear accident, the European Council asked the Commission and the European Nuclear Safety Regulators' Group (ENSREG) to reassess the EU's 131 nuclear power reactors. The Commission and ENSREG carried out 'stress tests', which resulted in a number of recommendations.

The review of the Euratom legal framework for nuclear safety led to a Commission proposal for substantial amendments to Directive 2009/71/EURATOM. The Council adopted these on 8 July 2014. The [amended Directive](#) is to be transposed into national law by 15 August 2017. Member States had to send their implementation reports by 22 July 2014.

**Purpose of the report:** the report aims to provide the Council and Parliament with a complete overview on the current state of implementation of the Directive across the EU. It makes **recommendations** to Member States in connection with challenges and states what **corrective measures** the Commission has taken or plans to take.

Having reviewed the national reports, the Commission concludes that there is, in general, a **good level of compliance with the 2009 Nuclear Safety Directive** and that the Directive has proven to be an effective instrument in improving nuclear safety.

**1) Legal framework and regulatory authority:** national reports show that **all Member States have adopted legislative measures in compliance with the Directive's obligations** regarding the establishment of a legal framework for nuclear safety, the setting-up of a regulatory authority, the allocation of appropriate resources, and the performance of international peer reviews of the system.

However, the report recommends that Member States:

- should ensure a clear allocation of responsibilities and coordination between relevant state bodies, especially when several administrative levels or several bodies contribute to decision-making. The Commission will pay special attention to this matter when monitoring the transposition of the amended Directive;
- systematically take into account **lessons learned from operating experience, the development of technology and safety research**. The Commission will enhance coordination among Member States in this regard;
- ensure an **effective independence of their competent regulatory authorities** and that the regulatory authority has **human and financial resources** commensurate with the country's current nuclear profile, nuclear power development projects and decommissioning plans. Cooperation between Member States will be encouraged in order to ensure an effective use of existing resources,

for instance in the case of Long Term Operation of nuclear power plants' or new builds' licencing procedures. Such cooperation would be particularly beneficial for smaller competent regulatory authorities;

- **systematically report** the outcomes of any international peer review to the Member States and the Commission;
- **host an international peer review** to assess their national framework and competent regulatory authorities, given that the Directive requires that these are organised at least every ten years. Member States should consider in particular hosting 'full scope' rather than 'limited scope' missions in which the country chooses to leave some issues out.

**2) Safety of nuclear installations:** the report confirms that **safety arrangements** imposed on nuclear installations (under the supervision of regulatory authorities), including development of expertise and skills, **are largely in place**. Wherever appropriate, nuclear plant licence holders tend to establish strong synergies with national or international research and training organisations dedicated to the improvement of reactor safety regulation, technology and culture.

However, although most of Member States reported having national provisions as regards the human and financial resources of the licence holders, it should be **clarified whether the regulatory authority has the ability to assess the adequacy of such resources, particularly financial ones**, and whether these obligations are effectively implemented and enforced.

As confirmed through the nuclear stress tests and the initial check of Member States' transposition of the Directive, there are **differences from country to country over the identification and management of safety issues**. This is partly due to the fact that the 2009 Directive only contained broad principles, leaving some leeway to Member States as regards their implementation, and failed to impose some important requirements. The amended Nuclear Safety Directive addressed these deficiencies. As a result, the transposition of the amended Directive represents a new challenge for Member States.

The report **recommends** that Member States:

- ensure that the next national implementation reports take into account **all installations covered** by the amended Directive and not only nuclear power plants. The Commission will pay special attention to Member States' application of the Directive to all nuclear installations in the remit of the Directive and the adequate reporting;
- **complete the implementation of the recommendations of nuclear stress tests** to improve the safety of nuclear installations. The Commission will continue to closely monitor progress and publish a nuclear illustrative programme to provide clarity on the needs for new investment in the nuclear field including safety upgrades of current nuclear installations;
- **monitor licence holders' use of contractors and subcontractors** and the possible safety implications give special consideration to this issue when transposing the amended Directive;
- ensure that national legal frameworks require licence holders to maintain **well-qualified human and adequate financial resources** during the whole lifecycle of installations;
- better coordinate national approaches to **emergency preparedness and response**. This issue is being addressed in the relevant international forums and in bilateral cooperation between Member States.

The next national reports on the implementation of the Directive should be sent to the Commission by 22 July 2020. The Commission's report to the Council and Parliament will then follow. By that time, the Commission will have received and analysed the Member States' national provisions transposing the amended Directive.