

CITIZEN'S SUMMARY

Explaining the revised Council Directive (Euratom) setting up a Community framework for Nuclear Safety

1. WHAT IS THE PROBLEM?

Every country in the world and in the EU which runs nuclear installations needs to have detailed rules to guarantee the safety of the operations. Everyone agrees that there are cross-border risks involved in the operation of nuclear installations, but there has been only limited harmonisation in approaches to nuclear safety between countries in the past.

An EU legislative initiative, confirming fundamental safety principles in the EU legislation is therefore required. Moreover, move towards harmonisation of nuclear safety requirements, including legally binding EU level legislation, is supported by broader public.

After the Chernobyl accident in 1986, the problem was addressed with new vigour, especially within the United Nation's International Atomic Energy Agency (IAEA). Its member states elaborated the Convention on Nuclear Safety (CNS), which entered into force on 24 October 1996. They committed themselves to respect an internationally recognised high level of nuclear safety. All EU Member States and the Euratom Community are CNS members and therefore bound by its safety principles.

Conventions are voluntary mechanisms that do not allow to verify compliance with their rules. CNS rules are addressed to countries only. The creation of EU legislation on the basis of CNS rules gives European civil society a possibility to become more involved in this field.

Also, EU legislation should take full advantage of the safety work already carried out by the IAEA in defining Safety Fundamentals.

With the new interest in nuclear energy in Europe and elsewhere, it is important to maintain a high degree of nuclear safety within the EU, guaranteed by a set of binding rules.

2. THE PROPOSAL AND ITS BENEFITS

The present draft legislation on nuclear safety defines basic obligations and general principles on the safety of nuclear installations which have to be implemented by all EU Member States.

Its basic approach is that existing common principles and requirements on nuclear safety (as defined by the CNS and the IAEA Safety Fundamentals) are regulated at EU level. These principles include strengthening the independence of the regulatory body, rules for the responsibility of the operator, ensuring sufficient financial and human resources, management systems, regular safety supervision and cross-border availability of expertise. Moreover, a possibility is created for Member States to develop additional safety requirements for future nuclear power reactors when and if this becomes necessary.

An expert group made up by the highest representatives of nuclear regulatory bodies in the EU, the High Level Group on Nuclear Safety and Waste Management (ENSREG), will become a focal point of cooperation between regulators and will contribute to the continuous improvement of the EU safety framework.

3. THE EU POSITION, THE BENEFICIARIES AND WHY IS EU ACTION NEEDED

Nuclear energy plays an important role in the transition to a low carbon economy and reduces EU external supply dependency. The choice to include nuclear energy in the energy mix lies

with the Member States. The role of the European Union is to ensure that this source of energy is developed while meeting the highest level of safety.

The recent acceleration of development of the European nuclear industry makes convergence rules at EU level even more necessary in order to support the Member States in their efforts to continuously improve nuclear safety. Over the years, the support for the elaboration of EU nuclear safety legislation has been constantly reflected by the Council and the European Parliament. Despite this support and despite a previous proposal on the table, no nuclear safety legislation is in force today. This is why the Commission presents this new proposal.

The new Directive would benefit EU citizens by enhancing their safety and giving them legal certainty. It would benefit Member States, as it would give them a reference for their national nuclear safety systems. It would benefit the national nuclear safety control bodies as it would ensure they get enough means for their work and give them the driving role in implementing the common EU rules.

The national safety regulators of the EU Member States have already developed many common safety reference levels within Western European Nuclear Regulators' Association (WENRA), which Member States can use as a basis for defining additional safety requirements.

4. TERMS AND SCOPE OF APPLICATION

The current proposal creates a legislative framework for nuclear safety without being prescriptive as regards details.

The proposal has the form of a Council Directive, which means its rules will have to be transposed by the EU Member States into national legislation. Member States are expected to issue the necessary laws within two years after the date on which the Directive comes into force.

5. WHEN IS IT FORESEEN TO COME INTO EFFECT?

The Directive should be adopted and come into effect during 2009. This would leave the EU Member States until 2011 for adopting their new legislation.