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CITIZEN'S SUMMARY

Explaining the revised proposal for a Council Directive (Euratom) on the management of spent fuel and radioactive waste

What is the challenge?

All EU Member States generate radioactive waste, irrespective of whether they produce electricity by nuclear power plants. Radioactive waste and spent nuclear fuel are result of many beneficial activities, such as nuclear power production and radioisotope applications in medicine, industry, agriculture, research and education. More than half of EU-Member States have nuclear power plants in operation. While it is for each Member State to choose whether or not to use nuclear energy, the role of the EU is to develop, in the interest of all Member States and EU citizens, the most advanced common legal framework governing the use of nuclear energy, meeting the highest standards for safety, security and non-proliferation and thus advocating a strong safety culture in Europe and the world.

According to surveys, EU citizens require that radioactive waste and spent fuel are managed in a safe and sustainable manner and that high safety standards are applied throughout the EU. Sharing common standards creates confidence and allows debating on the most appropriate measures that will have to be taken in full transparency. Today there are already Safety Standards developed by the International Atomic Energy Agency (IAEA) and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention). These mechanisms are only voluntary and do not give any binding legal force to these rules. The creation of EU legislation in this field builds on these existing tools, which are internationally recognised, but makes them compulsory and legally enforceable. Thus, compliance can be checked through reinforced obligations and peer reviews in all Member States, irrespective of whether they have nuclear power plants or not. It will apply to all Member States in the EU.

Managing radioactive waste and spent fuel requires strong political commitment, transposed into national programmes and proper implementation. Main actors want to benefit from the legal certainty and the technical expertise while the general public wants to receive adequate information. These challenges require a common action at EU level to apply the highest standards, to promote the best practices and to ensure the maximum level of transparency. At the same time, it will create a level playing field for the operators in the market given the investments required.

The proposal and its benefits

The proposed EU legislation on spent fuel and radioactive waste management represents a logical next step following the unanimous adoption, by all 27 EU Member States, of Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations. It will constitute the second pillar of the most advanced legal framework for safe and sustainable use of nuclear energy.

The proposed Directive defines:

- the general principles governing the safe and sustainable management of spent fuel and radioactive waste;

- the responsibility of the Member States for their own policies on spent fuel and radioactive waste management, and the ultimate responsibility of the Member States for the safety of this management;
- the general obligations for establishing a national framework for spent fuel and radioactive waste management that allocates responsibilities and provides for coordination between relevant state bodies in the long term;
- the general requirements for establishing a national programme to manage all types of spent fuel and radioactive waste, from generation to disposal.
- The peer review of national programmes to exchange experience and ensure the application of the highest standards.
- The obligation to give effective public information and opportunities for all concerned stakeholders to participate in the decision-making process.

The basic approach is that international standards (as laid down in the IAEA Safety Standards and the Joint Convention) become legally binding and enforceable through EU legislation. Specific requirements are established regarding the scope, contents and review of national programmes, public information and participation in the decision-making process.

The legislative proposal follows a large and extensive consultation. In particular, the European Nuclear Safety Regulators Group (ENSREG), which represents the national regulatory or safety authorities competent in the areas of the safety of nuclear installations and the safe management of spent fuel and radioactive waste, from Member States with or without nuclear power production, provided key principles and guidelines as a basis for the Commission to prepare legislation on radioactive waste and spent fuel management.

The EU position, the beneficiaries and why EU action is needed

The safety of spent fuel and radioactive waste management has cross-border implications and cannot be guaranteed under a strictly national approach. Existing European legislation does not cover all activities and facilities related to it, nor aspects such as national policies and implementation, public information or participation in the decision-making process.

Over the years, consistent support for taking an EU approach to spent fuel and radioactive waste management has been voiced by the Council, the European Parliament, the European Economic and Social Committee (EESC), and more recently by ENSREG and the European Nuclear Energy Forum (ENEF). It responds to the claims of European citizens, as demonstrated in different surveys, for European legislation to regulate radioactive waste management within the EU.

Through this legislation, EU citizens will be ensured that all Member States will take the appropriate decisions within a common legal framework for enhanced safety and sustainability.

It would also benefit Member States, as it would give them a reference for their national legislative and organisational frameworks and programmes, would strengthen the role and independence of national safety regulators.

All actors involved, such as operators, will have the legal certainty with regard to required investments and thus creating a level playing field in the market respecting the "polluter-pays-

principle".

Terms and scope of application

The current proposal applies to spent fuel and radioactive waste generated or managed by civilian activities, and to all stages of spent fuel and radioactive waste management, from generation to disposal.

The current proposal creates a common legislative framework for radioactive waste and spent fuel management without being prescriptive as regards the details.

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

When is it expected to come into effect?

The proposed Directive is expected to be adopted by the Council and come into effect in 2011. This would give EU Member States until 2013 to transpose the new legislation.