



whether the purpose of the initiative is limited to creating the conditions for implementation of the existing international agreement (to which Member States have already subscribed), or whether it intends to go beyond the provisions of that agreement. It should take the weaknesses of the international agreement (pp. 11 -12) as the starting point of the problem description, and explain in greater detail how the effectiveness of implementation of these standards under binding EU rules is expected to differ from the current framework. Given that the absence of sanctions is identified as one reason for the inadequacy of the existing convention, the report should identify in each of the options what concrete sanctions they would provide for.

**(2) Provide quantitative evidence of the possible scale of the risks involved and the costs of storage and disposal.** The report should provide a fuller assessment of the risks and possible scale of economic consequences that result from Member States' delays in implementing IAEA obligations. In the absence of specific figures for all Member States the report should present representative examples (as are available for example for Finland) to illustrate this, as well as a reasonable estimate for the overall costs. The relative costs of storage and disposal, as well as possible means of financing the costs of disposal over the longer term, should be described. It should also provide a clearer analysis of the effects on the internal market, including factors influencing competition in the electricity market, the importance of cross-border aspects, and the contribution of special levies for the purpose of funding of management of radioactive waste to differences in electricity prices.

**(3) Explain the subsidiarity aspects of the different options for improving compliance.** The report should provide a fuller analysis of the subsidiarity aspects of the issue, including the reasons why Member States rejected earlier attempts to introduce a more uniform implementation regime across the EU. It should explain how the review process of the national programmes for the management of spent fuel and radioactive waste currently works and how it might work under the proposed options. More specifically it should indicate how the options differ in case of diverging views between the Commission and individual Member States with regard to the effectiveness and long-term sustainability of their proposed plans. In this context the report should also examine policy options that would include alternative ways of stimulating compliance with IAEA requirements, such as non-binding instruments, reinforced cooperation or alternative legislative approaches (e.g. amendment of the Nuclear Safety Directive). It should provide a more robust justification for discarding the option of reinforcing multilateral and international approach through the IAEA (4.4). In particular, it should explain why an improved reporting and review process would still be ineffective.

**(4) Improve the analysis of the health and safety at work impacts of the different options.** The report should use a definition of social impacts that focuses primarily on risks to workers and other people that may be exposed to or otherwise come in contact with nuclear waste and radioactive material. The public concern over the treatment of radioactive waste should not be identified as an element of social impacts, but instead should be integrated in the problem definition and reassurances to the public should be included in the objectives. The report should indicate more clearly how existing health and safety at work legislation has been taken into account and whether relevant sectoral social partners were consulted on these issues.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.*

**(D) Procedure and presentation**

The description of the "0-option" and its expected impacts needs to be moved to the problem section, to provide a baseline scenario. The report would benefit from critical proof-reading to remove remaining linguistic errors.

**(E) IAB scrutiny process**

Reference number	2010/ENER/021
External expertise used	No
Date of Board Meeting	14 July 2010.