



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels, 07 SEP. 2010
D(2010)

Opinion

Title **Impact assessment on revised draft proposal for a Council Directive (Euratom) on the Management of Spent Fuel and Radioactive Waste (draft version of 26 July 2010) RESUBMISSION**

(A) Context

In the European Union, spent fuel and radioactive waste arising from civil nuclear activities are dealt with within the framework of the Euratom Treaty. In 2003, the Commission proposed a Council Directive (Euratom) dealing with the management of spent nuclear fuel and radioactive waste and, in 2004, resubmitted to the Council an amended proposal. The Council called in its June 2004 conclusions for an “extensive consultation” with stakeholders before developing an instrument for this issue. This impact assessment has been drawn up following these consultations.

(B) Overall assessment

The revised report has been improved in line with the Board's recommendations. It nevertheless needs to give further attention to certain issues. While it explains more clearly what the expected costs of storage and disposal of radioactive material will be for Member States, it should clarify further how funding requirements for these costs are expected to affect competition in the electricity market. It should also explain more clearly how the enforcement of binding EU requirements will differ in practice from the current IAEA regime and further clarify the subsidiarity aspects in view of the earlier resistance from Member States to this and other proposals with regard to nuclear waste.

(C) Main recommendations for improvements

(1) Explain in more concrete terms how funding for future storage might distort competition in the internal market, and how the proposed options will improve this. The 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 should be presented more clearly. The report should acknowledge the degree of uncertainty with regard to future market developments, and explain how effective the presented policy options are expected to be in preventing these market distortions.

(2) Explain how the EU enforcement regime would work in practice, and clarify the subsidiarity aspects of the proposed mechanisms for improving compliance. Given that lack of sanctions is presented as a major reason why the current international arrangements are insufficient, the report should explain in clear terms how binding rules would be enforced under the different policy options, and what concrete sanctions would be imposed. The report should clarify the reasons why Member States rejected earlier attempts to introduce a more uniform implementation regime across the EU. In the explanation of the proposed review process it should indicate more clearly 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. It should explain whether the procedures under the different options would create the possibility for the Commission to impose specific modifications on Member States' plans, and justify why this would be necessary.

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 presentation of the report has improved. The modifications made on the basis of the Board's recommendations could be presented in more detail.

(E) IAB scrutiny process

Reference number	2010/ENER/021
External expertise used	No
Date of Board Meeting	Written procedure