



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2012)

Opinion

Title **DG ENER - Proposal for the revision of the Euratom nuclear safety legislative framework (draft version of 19 September 2012)***

(A) Context

This impact assessment supports a proposal for the revision of the Euratom nuclear safety legislative framework. Nuclear safety is of the utmost importance to the EU and its citizens. It is therefore essential for society and the economy to avoid the occurrence of any nuclear accident in a Member State of the European Union by ensuring the highest possible quality of regulatory oversight and standards of nuclear safety. The Fukushima nuclear accident has renewed political attention on the measures needed to minimise risk and guarantee the most robust levels of nuclear safety. Based upon a mandate from the European Council at its meeting of 24-25 March 2011, the European Commission, together with the European Nuclear Safety Regulators Group (ENSREG), launched an EU-wide comprehensive risk & safety assessment of Nuclear Power Plants (NPPs). These stress tests identified a large number of shortcomings in nuclear safety approaches and industry practices in the participating countries. The mandate from the European Council included the request to the Commission to review the existing legal and regulatory framework for the safety of nuclear installations.

(B) Overall assessment

The report should be strengthened in a number of respects. First, it should much better explain the current architecture for the regulatory framework governing nuclear safety in the EU. It should better justify, with stronger supporting evidence, the extent to which the weaknesses identified are related to deficiencies in the EU regulatory framework and should clarify the scale of the problem by providing more information on the specific weaknesses identified in the different Member States using existing evidence on past incidents in EU NPPs. The report should better explain why action is required at this stage given that an evaluation of the current nuclear safety directive has not yet been carried out and Member States' plans to address the weaknesses identified in the stress tests are not yet finalised. Second, the baseline scenario should be developed significantly in order to demonstrate what would happen in the event of no EU action. This should include the assumptions made concerning Member States' responses to the results of the stress tests. Third, the substantive content of the options should be clarified and specifically how they could address the problems should be more clearly highlighted. Fourth, the assessment of impacts should better demonstrate the nature of the additional costs of the various options and should compare these to the baseline scenario. Finally, the report should provide more complete information throughout on the different views of consulted stakeholders and should present a more operational evaluation arrangement with appropriate progress indicators linked to objectives.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

(1) Strengthen the problem definition. The report should better explain the current architecture for the regulatory framework governing nuclear safety in the EU. It should clarify the current roles and competences of the various players at national and international level. It should more clearly describe the various existing legal requirements (national, EU and international) covering nuclear safety and how these relate to each other and to the issues at hand. The problem definition should also better explain and justify with stronger supporting evidence the extent to which the weaknesses identified are related to deficiencies in the EU regulatory framework. The report should present available evidence on past incidents / quasi-accidents in EU NPPs and discuss their underlying problems as far as possible. The report should contain more information on the views of stakeholders concerning the diagnosis of the problems. In order to better explain the scale and scope of the issues, the report also should provide more information on the nature of the specific problems identified in the stress tests across different Member States. It should better explain why action is required at this stage given that an evaluation of the current directive has not been carried out and Member States' plans to address the weaknesses identified in the stress tests are not yet finalised. In this context, it should discuss in detail the key role of company demography, skill shortages, training and employment for nuclear safety. Given that the current Directive was only adopted in 2009 and has not yet been transposed in all Member States, the extent to which problems could be solved by effective implementation and enforcement of the current rules should be discussed.

(2) Develop the baseline scenario. The baseline scenario should be improved significantly in order to demonstrate what would happen in the event of no EU action. This should include the assumptions made concerning Member States' responses to the results of the stress tests as well as the outcomes of any EU enforcement action. It should also make clear what assumptions are included concerning Member States' compliance with existing international standards. At the same time, the report should acknowledge that even though Member States are meant to be complying with international standards and the existing EU regulatory framework, this position cannot be fully guaranteed as a baseline scenario.

(3) Better explain the content of the options. In general the concrete content of the options and the differences between them needs to be clarified. In particular, the options should be described in terms of their actual substance and not only presented in terms of legal form. The intervention logic should be strengthened by clearly showing how the options will tackle the specific problems identified. The background to option 3 (establishing an agency) and the fact that it was in the past considered as a possible alternative approach should be explained in order to illustrate the logic and rationale behind this policy option.

(4) Better assess and compare impacts. The assessment of impacts should better demonstrate the additional costs and benefits of the various options as compared with the baseline scenario. In particular the report should clarify the extent to which the estimated costs are attributable to the measures proposed by this initiative, to corrective action which operators would in any case be required to take as a response to the stress tests, or to ongoing investment needs. The nature of the costs should also be better explained i.e. the main elements of the costs and on what the money will be spent (building, maintenance, decommissioning). The effectiveness of the preferred option should be better analysed. In particular, how a combination of general principles and non-binding rules will make a significant difference to nuclear safety should be explained. The

expected impact of the chosen option on skill shortages and workers' health and safety, including that of subcontracted workers should be more explicitly assessed.

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 report should provide more information throughout on the different views of stakeholders in particular those of Member States, national regulatory authorities, operators, social partners and NGOs. The report should fully reflect the views expressed by the European social partners of the electricity sector, both in their joint statement of early 2012 and in the ongoing consultation. The report should present a more operational evaluation arrangement Furthermore the report should develop progress indicators that are closely linked to the targets of the (specific) objectives.

(E) IAB scrutiny process

Reference number	2012/ENER/010
External expertise used	No
Date of IAB meeting	17 October 2012