

Procedure file

Basic information		
NLE - Non-legislative enactments Directive	2003/0021(NLE)	Procedure lapsed or withdrawn
Nuclear energy: safety of installations, basic obligations and general principles		
Subject 3.60.04 Nuclear energy, industry and safety		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ITRE Industry, External Trade, Research, Energy		22/05/2003
		GUE/NGL SEPPÄNEN Esko	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union European Commission	ENVI Environment, Public Health, Consumer Policy		12/05/2003
		V/ALE STAES Bart	
	Commission DG	Commissioner	
	Energy	OETTINGER Günther	

Key events			
30/01/2003	Legislative proposal published	COM(2003)0032	Summary
15/05/2003	Committee referral announced in Parliament		
27/11/2003	Vote in committee		Summary
27/11/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0441/2003	
12/01/2004	Debate in Parliament		
13/01/2004	Decision by Parliament	T5-0012/2004	Summary
02/12/2009	Additional information		Summary
18/09/2010	Proposal withdrawn by Commission		Summary

Technical information	
Procedure reference	2003/0021(NLE)
Procedure type	NLE - Non-legislative enactments

Procedure subtype	Consultation of Parliament
Legislative instrument	Directive
Legal basis	Euratom Treaty A 032; Euratom Treaty A 031; Euratom Treaty A 187
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ITRE/5/19566

Documentation gateway

Legislative proposal		COM(2003)0032	30/01/2003	EC	Summary
Economic and Social Committee: opinion, report		CES0200/2003 OJ C 133 06.06.2003, p. 0070-0074	26/03/2003	ESC	
Economic and Social Committee: opinion, report		CES0411/2003	26/03/2003	ESC	
Committee report tabled for plenary, 1st reading/single reading		A5-0441/2003	27/11/2003	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0012/2004 OJ C 092 16.04.2004, p. 0020-0104 E	13/01/2004	EP	Summary

Nuclear energy: safety of installations, basic obligations and general principles

OBJECTIVE: to set out the basic obligations and general principles on the safety of nuclear installations **CONTENT:** the proposal for a directive sought to establish common standards for the safety of nuclear installations. Despite a degree of harmonisation, safety practices still varied widely from one Member State to another. Community intervention was therefore necessary. The prospect of enlargement also emphasised the need for such action. Enshrining the existing rules and principles in Community legislation would make it possible to reconcile efficiency and speed of implementation. Having recourse, to some extent, to experts from the national safety authorities to carry out the tasks connected with the verifications would make it possible to provide undisputed technical expertise. Interlinking the national systems and the Community system would guarantee the maintenance of a high level of safety for nuclear installations in the enlarged EU. It was also essential to guarantee that the final phase of the nuclear cycle would be managed in accordance with radiological safety standards and on the basis of transparency in the use of financial resources. To this end, it was necessary to create a framework for national regulations. Definition of criteria for the creation and management of funds for the decommissioning of nuclear installations would enable the maintenance of a high level of nuclear safety throughout the decommissioning phase to be guaranteed. In accordance with the Nuclear Safety Convention and the conclusions of the Laeken European Council, the Member States would be obliged to transmit reports on the measures taken to meet their obligations and on the state of safety of installations under their supervision. These reports would be examined by Member States and the Commission. ?

Nuclear energy: safety of installations, basic obligations and general principles

The committee adopted the report by Esko Olavi SEPPÄNEN (EUL/NGL, FIN) amending the proposal under the consultation procedure: - a new article should be added to the directive clarifying the question of responsibilities: responsibility for the safety of nuclear installations shall rest with the Member State having jurisdiction over the nuclear installation concerned, but Member States shall ensure that the "prime responsibility" for the safety of a nuclear installation rests with the licence holder under the control of their regulatory bodies, "in particular with regard to the control of the installation and to the individual measures related to it". Member States should therefore ensure that each licence holder meets its responsibilities; - it should be specified that any transfer of new competences from the national authorities to the Commission should be submitted for approval as legislation, given that the proposed directive is not a framework directive and the Commission is not planning any other new directives; - a new provision should be added ringfencing the funds built up for decommissioning so that they cannot be used for any other purpose and are guaranteed in the event of the operator's bankruptcy; - the Commission should order reviews of regulatory bodies, to be carried out according to a peer review mechanism. A report should be drawn up by the review team within three months of the review and forwarded to the Member State concerned, which would then have three months in which to submit comments and indicate the measures taken to remedy any shortcomings.?

Nuclear energy: safety of installations, basic obligations and general principles

The European Parliament adopted a resolution drafted by Esko SEPPÄNEN (EUL/NGL, FIN) making several amendments to the Commission's proposal. (Please see the document dated 27/11/03.) The following principal amendments were also made: - Parliament clarified that the directive applied to all uranium mines and all nuclear installations; - there is a new article concerning the protection of the population. Member States must ensure that the measures for operational protection of the population pursuant to Article 44 of Directive 96/29/Euratom take account of the nuclear safety aspects at all stages of the nuclear fuel cycle. Approval of plans for nuclear installations and

of the proposed siting of such installations must take account of the nuclear safety aspects. Member States should ensure that the exposure suffered by the general public and by workers to ionising radiation during construction, operation and decommissioning is restricted to the lowest level that is technically achievable. Member States should also ensure that financial resources built up for decommissioning offer liquidity compatible with the timetable for decommissioning operations and are exclusively assigned to decommissioning operations, and are guaranteed in the event of the bankruptcy of the operator. Finally, Parliament suggested establishing a "Regulatory Authorities Committee", composed of representatives of national regulatory bodies, that would carry out reviews and horizontal control in accordance with the proposed directive.?

Nuclear energy: safety of installations, basic obligations and general principles

The Lisbon Treaty, which entered into force on 1 December 2009, amended the EU's two core treaties, the Treaty on European Union (TEU) and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many ongoing procedures. First of all, the articles of the TEU and of the old EC Treaty that constitute the legal basis of all the proposals founded on those Treaties were renumbered in accordance with the table of equivalences mentioned in Article 5 of the Lisbon Treaty.

In addition, some proposals underwent a change to their legal basis going beyond a mere change to their numbering, and this resulted in changes to the type of procedure.

The Lisbon Treaty also introduced new concepts of decision-making procedure. The old "codecision procedure" was extended to new areas and renamed the "ordinary legislative procedure". A new "consent procedure" replaced the old "assent procedure". New interinstitutional procedures were also set up for the adoption of certain non-legislative acts, for example the conclusion of some international agreements.

The ongoing proposals concerned by these changes were formally modified by the Commission in a Communication published on 2 December 2009 ([COM\(2009\)0665](#)).

In the case of the proposal for a Council Directive (Euratom) setting out basic obligations and general principles on the safety of nuclear installations, the entry into force of the Lisbon Treaty had the following impacts:

- the proposal, which had previously fallen under the old consultation procedure (CNS), was classified as an interinstitutional non-legislative procedure (NLE).

Nuclear energy: safety of installations, basic obligations and general principles

As announced in Official Journal C 252 of 18 September 2010, the Commission decided to withdraw this proposal, which had become obsolete.