


Procedure file

Basic information			
NLE - Non-legislative enactments Directive		2013/0340(NLE)	
Community framework for the nuclear safety of nuclear installations Amending Directive 2009/71/Euratom 2008/0231(CNS)		Procedure completed	
Subject 2.80 Cooperation between administrations 3.60.04 Nuclear energy, industry and safety 3.70.08 Radioactive pollution 3.70.10 Man-made disasters, industrial pollution and accidents			

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<div>ITRE</div> Industry, Research and Energy		20/11/2013
		PPE JORDAN Romana	
		Shadow rapporteur	
		S&D CORREIA DE CAMPOS António Fernando	
		ALDE PANAYOTOV Vladko Todorov	
		Verts/ALE RIVASI Michèle	
		ECR TOŠENOVSKÝ Evžen	
	Committee for opinion	Rapporteur for opinion	Appointed
	<div>ENVI</div> Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union	Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
	<div>JURI</div> Legal Affairs		05/03/2014
		S&D REGNER Evelyn	
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	3327	08/07/2014
European Commission	Commission DG	Commissioner	
	Energy	OETTINGER Günther	

Key events			
17/10/2013	Legislative proposal published	COM(2013)0715	Summary
18/11/2013	Committee referral announced in Parliament		
18/03/2014	Vote in committee		

25/03/2014	Committee report tabled for plenary, 1st reading/single reading	A7-0252/2014	Summary
02/04/2014	Results of vote in Parliament		
02/04/2014	Decision by Parliament	T7-0274/2014	Summary
08/07/2014	Act adopted by Council after consultation of Parliament		
08/07/2014	End of procedure in Parliament		
25/07/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0340(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Directive
	Amending Directive 2009/71/Euratom 2008/0231(CNS)
Legal basis	Euratom Treaty A 032; Euratom Treaty A 031
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/14357

Documentation gateway

Legislative proposal		COM(2013)0715	17/10/2013	EC	Summary
Document attached to the procedure		SWD(2013)0422	17/10/2013	EC	
Document attached to the procedure		SWD(2013)0423	17/10/2013	EC	
Document attached to the procedure		SWD(2013)0424	17/10/2013	EC	
Document attached to the procedure		SWD(2013)0425	17/10/2013	EC	
Committee draft report		PE526.123	10/01/2014	EP	
Amendments tabled in committee		PE529.779	19/02/2014	EP	
Amendments tabled in committee		PE530.030	07/03/2014	EP	
Specific opinion	JURI	PE532.289	21/03/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0252/2014	25/03/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0274/2014	02/04/2014	EP	Summary
Commission response to text adopted in plenary		SP(2014)471	09/07/2014	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Community framework for the nuclear safety of nuclear installations

PURPOSE: to amend Directive 2009/71/EURATOM establishing a Community framework for the nuclear safety of nuclear installations with a view to improving nuclear safety and to take account of the lessons learned from the Fukushima accident in Japan.

PROPOSED ACT: Council Directive.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: the Fukushima nuclear accident in Japan in 2011 renewed attention worldwide on the measures needed to minimise risk and ensure the most robust levels of nuclear safety. Based on a mandate from the European Council in March 2011, the Commission, together with the European Nuclear Safety Regulator Group ('ENSREG'), carried out Union wide comprehensive risk and safety assessments of nuclear power plants ('stress tests'). The results identified a number of improvements which could be implemented in nuclear safety approaches and industry practices in the participating countries.

Moreover, the European Council also mandated the Commission to review the existing legal and regulatory framework for the safety of nuclear installations and propose any improvements that may be necessary. The European Council also stressed that the highest standards for nuclear safety should be implemented and continuously improved in the EU.

IMPACT ASSESSMENT: the Commission analysed the challenges of ensuring sufficient levels of nuclear safety in the EU. It defines the general and specific objectives for enhancing the prevention and mitigation of nuclear accidents.

LEGAL BASIS: Articles 31 and 32 of the Euratom Treaty.

CONTENT: the proposal strengthens the existing provisions of the [Nuclear Safety Directive 2009/71/EURATOM](#) with the overall aim of continuously improving nuclear safety and its regulation at EU level. Its main elements are as follows:

Objectives: a new objective is proposed. It aims at ensuring the avoidance of radioactive releases during all stages of the lifecycle of nuclear installations (siting, design, construction, commissioning, operation, decommissioning).

The national safety requirements should cover all stages of the lifecycle of nuclear installations.

Competent regulatory authority: the proposal defines strong and effective benchmark criteria and requirements to guarantee the effective independence of regulators.

New requirements include ensuring effective independence in decision-making, own appropriate budget allocations and autonomy in implementation, clear requirements for the appointment and dismissal of staff, avoidance and resolution of conflicts of interests, and staffing levels with the necessary qualifications, experience and expertise.

The core task of the competent regulatory authority to define national nuclear safety requirements is added to the existing catalogue of regulatory competencies.

Transparency: the proposal provides that both the competent regulatory authority and the licence holder are required to develop a transparency strategy, which covers information provision under normal operating conditions of nuclear installations as well as communication in case of accident or abnormal event conditions. The role of the public is fully acknowledged through the requirement that it effectively participates in the licensing process of nuclear installations.

Nuclear Safety Objectives: the current Nuclear Safety Directive does not include specific requirements for the different stages of the lifecycle of nuclear installations. The amendments seek to:

- introduce general safety objectives for nuclear installations which reflect the progress achieved at the level of WENRA in developing safety objectives for new NPPs;
- provide more detailed provisions are laid down for different life-cycle phases of nuclear installations;
- provide methodological requirements concerning the siting, design, construction, commissioning, operation and decommissioning of nuclear installations.

On-site emergency preparedness and response: the new proposed measures give indications on the planning and organisational measures that should be provided by the licence holder. As an example of new requirements, an on-site emergency response centre is required for a nuclear installation, sufficiently protected against the effects from external events and severe accidents, including radiological ones, and equipped with the necessary material to mitigate the effects of severe accidents.

Peer-reviews: new provisions are set out on self-assessments and peer-reviews of nuclear installations based on nuclear safety topics selected by the Member States jointly and in close coordination with the Commission. Each Member State has to define a methodology for the implementation of the technical recommendations from the peer review process. Should the Commission identify substantial deviations or delays in the implementation of the technical recommendations from the peer review process, the Commission should invite the competent regulatory authorities of Member States not concerned to organise and carry out a verification mission to get a full picture of the situation and inform the Member State concerned about possible measures to remedy any identified shortcomings.

In case of an accident with off-site consequences, a special peer review should be arranged.

BUDGETARY IMPLICATION: the proposal has no budgetary implications for the EU budget.

Community framework for the nuclear safety of nuclear installations

The Committee on Industry, Research and Energy, in the framework of a special legislative procedure (consultation of Parliament) adopted the report by Romana JORDAN (EPP, SI) on the proposal for a Council directive amending Directive 2009/71/EURATOM establishing a Community framework for the nuclear safety of nuclear installations

The committee approved the Commission proposal with the following amendments:

Objectives: the amending directive must aim to: i) ensure that Member States saw to it that nuclear installations were designed so as to limit unauthorised radioactive releases to a minimum; (ii) promote and enhance nuclear safety culture.

Definitions: the report proposed that the definitions be aligned as much as possible with the terminology used by the International Atomic Energy Agency (IAEA) in order to allow for a consistency with globally defined standards and procedures.

To allow for consistency with IAEA definitions, the definition abnormal event was deleted and replaced with the definition of "incident".

Severe accident' means accident conditions more severe than a design basis accident and involving significant core degradation.

Competent regulatory authority: the national framework must require that the competent regulatory authority:

- is legally separate from any other public or private entity concerned with the promotion or utilisation of nuclear energy or electricity production;
- establishes a transparent regulatory decision-making process, founded on objective and verifiable safety-related criteria;
- has its own appropriate budget allocations, and provisions for the adequate generation of new and management of existing knowledge, expertise and skills;
- employs an appropriate number of staff, all of whom, in particular politically appointed board members; possess the necessary qualifications, experience and expertise to fulfil its obligations and that have access to external scientific and technical resources.

Persons with executive responsibility within the competent regulatory authority shall be appointed according to clearly defined procedures and requirements for appointment. They may be relieved from office during their term especially if they do not comply with the requirements of independence set out in this Article or have been guilty of misconduct under national law.

The competent regulatory authority must be able to carry out enforcement actions, including penalties and provide appropriate conditions for the research and development activities needed to develop the necessary knowledge base and to support the management of expertise for the regulatory process.

Transparency: the report recommended ensuring a widespread and transparent communication process including, where appropriate, by regular information and consultation of citizens.

The process shall also cover significant information such as siting, construction, extension, commissioning, operation, operation beyond design service life, final shutdown and decommissioning.

The public shall be given early and effective opportunities to participate in the environmental impact assessment of nuclear installations

Safety objectives for nuclear installations: Members recommended that nuclear installations should be designed, sited, constructed, and decommissioned with the objective of preventing accidents and radioactive releases and, should an accident occur, mitigating its effects and preventing radioactive releases and large, long-term, off-site contamination.

Peer Reviews: the report strengthened the provisions of periodic self-assessments and stated that at least every 6 years, a system of topical peer reviews must take place.

The topic of the first topical peer review shall be decided not later than 3 years after entry into force of the directive.

The Nuclear Safety Regulator Group (ENSREG) which had the experience of the European stress tests exercise and was composed of all Union nuclear safety regulators and the Commission should be closely involved in the selection of the topics subject to regular peer reviews, in the organisation of those topical peer reviews and in ensuring their follow-up.

The results of the topical peer reviews should be used to foster discussions in the nuclear community which potentially could lead to the development of a set of harmonised Community nuclear safety criteria in the future.

The European Parliament should be regularly informed about the results of the peer reviews as well as about related measures and plans.

Community framework for the nuclear safety of nuclear installations

The European Parliament adopted by 438 votes to 154, with 37 abstentions, in the framework of a special legislative procedure (consultation of Parliament) a legislative resolution on the proposal for a Council directive amending Directive 2009/71/EURATOM establishing a Community framework for the nuclear safety of nuclear installations.

Parliament approved the Commission proposal subject to the following amendments:

Objectives: Members stated that the amending directive should aim to: (i) ensure that Member States saw to it that nuclear installations were designed so as to limit unauthorised radioactive releases to a minimum; (ii) promote and enhance nuclear safety culture.

Definitions: the report proposed that the definitions be aligned as much as possible with the terminology used by the International Atomic Energy Agency (IAEA) in order to allow for a consistency with globally defined standards and procedures.

To allow for consistency with IAEA definitions, the definition abnormal event was deleted and replaced with the definition of "incident" meaning any unintended event, including operating errors, equipment failures, initiating events, accident precursors, etc the consequences or potential

consequences of which are not negligible from the point of view of protection or safety.

Severe accident' means accident conditions more severe than a design basis accident and involving significant core degradation.

Competent regulatory authority: the national framework must require that the competent regulatory authority:

- is legally separate from any other public or private entity concerned with the promotion or utilisation of nuclear energy or electricity production;
- establishes a transparent regulatory decision-making process, founded on objective and verifiable safety-related criteria;
- has its own appropriate budget allocations, and provisions for the adequate generation of new and management of existing knowledge, expertise and skills;
- employs an appropriate number of staff, all of whom, in particular politically appointed board members; possess the necessary qualifications, experience and expertise to fulfil its obligations and that have access to external scientific and technical resources.

Persons with executive responsibility within the competent regulatory authority should be appointed according to clearly defined procedures and requirements for appointment. They may be relieved from office during their term especially if they do not comply with the requirements of independence set out in this Article or have been guilty of misconduct under national law.

The competent regulatory authority must be able to carry out enforcement actions, including penalties and provide appropriate conditions for the research and development activities needed to develop the necessary knowledge base and to support the management of expertise for the regulatory process.

Member States also called for licence holders to provide for and maintain adequate financial and human resources to fulfil their obligations with respect to nuclear safety of a nuclear installation, including during and after its decommissioning.

Transparency: Parliament recommended ensuring a widespread and transparent communication process including, where appropriate, by regular information and consultation of citizens. The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters is recalled in this regard.

The process should also cover significant information such as siting, construction, extension, commissioning, operation, operation beyond design service life, final shutdown and decommissioning.

The public should be given early and effective opportunities to participate in the environmental impact assessment of nuclear installations

Safety objectives for nuclear installations: Members recommended that nuclear installations should be designed, sited, constructed, and decommissioned with the objective of preventing accidents and radioactive releases and, should an accident occur, mitigating its effects and preventing radioactive releases and large, long-term, off-site contamination.

The frequency of external natural and man-made hazards should be minimised and their impact and their impact should be as low as reasonably practicable. The cumulative risks associated with the presence nearby of other hazardous (Seveso III-type) industrial installations should also be taken into account in the national framework.

Peer Reviews: Parliament suggested that Member States should at least every eight years (instead of 10) arrange for periodic self-assessments of their national framework and competent regulatory authorities. The topic of the first topical peer review should be decided not later than 3 years after entry into force of the directive.

The Nuclear Safety Regulator Group (ENSREG) which had the experience of the European stress tests exercise and was composed of all Union nuclear safety regulators and the Commission should be closely involved in the selection of the topics subject to regular peer reviews, in the organisation of those topical peer reviews and in ensuring their follow-up.

The results of the topical peer reviews should be used to foster discussions in the nuclear community which potentially could lead to the development of a set of harmonised Community nuclear safety criteria in the future.

The European Parliament should be regularly informed about the results of the peer reviews as well as about related measures and plans.

Community framework for the nuclear safety of nuclear installations

PURPOSE: to amend the rules establishing a Community framework for the nuclear safety of nuclear installations with a view to improving nuclear safety.

NON-LEGISLATIVE ACT: Council Directive 2014/87/Euratom amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations.

CONTENT: the Fukushima nuclear accident in Japan in 2011 renewed attention worldwide on the measures needed to minimise risk and ensure the most robust levels of nuclear safety.

Based on a mandate from the European Council in March 2011, the Commission, together with the European Nuclear Safety Regulator Group ('ENSREG'), carried out Union wide comprehensive risk and safety assessments of nuclear power plants ('stress tests'). The results identified a number of improvements which could be implemented in nuclear safety approaches and industry practices in the participating countries.

The revised Directive introduces objectives as regards nuclear safety at EU level, further strengthens the independence and role of the national regulatory authorities, increases transparency on issues of nuclear safety and enhances the exchanging of experiences.

It introduces EU-wide nuclear safety objectives that aim to limit the consequences of a potential nuclear accident as well as address the safety of the entire lifecycle of nuclear installations (siting, design, construction, commissioning, operation and decommissioning of nuclear plants), including on-site emergency preparedness and response.

In particular, this objective calls for significant safety enhancements in the design of new reactors for which the state of the art knowledge and technology should be used, taking into account the latest international safety requirements.

Independence of national regulatory authorities: the Directive provides that it is of utmost importance that the competent regulatory authority

has the ability to exercise its powers impartially, transparently and free from undue influence in its regulatory decision-making to ensure a high level of nuclear safety. The provisions on functional separation of competent regulatory authorities should be strengthened to ensure the regulatory authorities' effective independence from undue influence in their regulatory decision-making.

The competent regulatory authorities should: (i) be given dedicated and appropriate budget allocations to allow for the delivery of its regulatory tasks; (ii) establish procedures for the prevention and resolution of any conflicts of interest; (iii) be given sufficient legal powers, sufficient staffing and sufficient financial resources for the proper discharge of its assigned responsibilities.

Licence holders: the prime responsibility for the nuclear safety of a nuclear installation rests with the licence holder. That responsibility cannot be delegated and includes responsibility for the activities of contractors and sub-contractors.

Licence holders are to: (i) regularly assess, verify, and continuously improve, as far as reasonably practicable, the nuclear safety of their nuclear installations in a systematic and verifiable manner; (ii) establish and implement management systems which give due priority to nuclear safety; (iii) provide for appropriate on-site emergency procedures and arrangements, including severe accident management guidelines; (iv) provide for and maintain financial and human resources with appropriate qualifications and competences, necessary to fulfil their obligations.

Skills and competences: all parties should ensure that all staff having responsibilities relating to the nuclear safety of nuclear installations and to on-site emergency preparedness and response arrangements, undergo a continuous learning process. Appropriate budgetary provisions should be set aside for training.

Transparency: the revised Directive further enhances transparency on nuclear safety matters. The provisions on the information to be provided to the general public are more specific as regards which type of information should be provided. In addition, the general public will have opportunities to participate in the relevant phases of the decision-making process relating to nuclear installations in accordance with the national framework, taking into account the different national systems. Decisions concerning safety actions and the supervision of nuclear installations remain solely with the operators and national authorities.

Peer reviews: Member States shall, at least once every 10 years, arrange for periodic self-assessments of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and competent regulatory authorities with the aim of continuously improving nuclear safety. Outcomes of such peer reviews shall be reported to the Member States and the Commission, when available.

Member States shall ensure that arrangements are in place to allow for the first topical peer review to start in 2017, and for subsequent topical peer reviews to take place at least every six years thereafter.

In case of an accident leading to situations that would require off-site emergency measures or protective measures for the general public, the Member State concerned shall ensure that an international peer review is invited without undue delay.

Reporting: Member States shall submit a report to the Commission on the implementation of this Directive for the first time by 22 July 2014, and then by 22 July 2020.

ENTRY INTO FORCE: 26.07.2014.

TRANSPOSITION: 15.08.2017.