Community framework for the nuclear safety of nuclear installations

2013/0340(NLE) - 17/10/2013 - Legislative proposal

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.