

# Community framework for the nuclear safety of nuclear installations

2013/0340(NLE) - 02/04/2014 - Text adopted by Parliament, 1st reading/single reading

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.