



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 January 2004

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**ATO 14
ENER 32
ENV 57**

NOTE

From : General Secretariat
to: Delegations
Subject : Nuclear safety

Delegations will find attached a proposal for a Council resolution on nuclear safety jointly tabled by FIN/D/S/UK.

COUNCIL RESOLUTION of XXXX on the regulation of the safety of nuclear installations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas on 22 July 1975, the Council adopted a resolution on the technological problems of nuclear safety¹, hereafter referred to as the “1975 Resolution”,

Whereas on 18 June 1992, the Council adopted a resolution on the technological problems of nuclear safety², hereafter referred to as the “1992 Resolution”

Whereas on 17 June 1994 the Convention on Nuclear Safety entered into force,

Whereas on 18 June 2001 the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management entered into force,

Whereas the Member States have already implemented measures enabling them to achieve a high level of nuclear safety within the EU,

Whereas the evaluation of nuclear safety in the candidate countries, carried out by the Council, has ascertained that these countries have already achieved a comparable level of safety or will be in a position to do so, subject to the full implementation of the recommendations resulting from the evaluation,

1. Recognises the progress made by Member States towards “an equivalent and satisfactory degree of protection of the population and the environment, at the highest practical safety levels”, as called for in the 1975 Resolution and the 1992 Resolution.
2. Notes that national responsibility for the safety of nuclear installations is the fundamental principle on which nuclear safety regulation has been developed by the international community and that this has been endorsed by the Convention on Nuclear Safety to which all Member States, new Member States³ and the European Atomic Energy Community are Parties. Through

¹ OJ No C 185, 14.8.1975, p.1

² OJ No C 172, 8.7.1992, p.2

³ With two exceptions, both without nuclear power programmes

the Convention, the Parties are legally committed to a high and internationally recognised level of safety in the nuclear power plants under their jurisdiction and to ensuring the effective separation of their regulatory bodies from any nuclear energy promotion or utilization⁴.

3. Recognises that the Convention on Nuclear Safety contains a series of general safety principles that leave scope for implementation and are not intended to be transposed, as such, into Community legislation.
4. Notes that the national reports and the review meetings required under the Convention on Nuclear Safety form the basis of a comprehensive self-assessment to be done every three years, which is peer-reviewed by experts from other parties to the Convention.
5. Notes that Member States⁵ and the new Member States⁶ are also Parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and that this Convention has established a similar process of national reporting and peer review in respect of the nuclear facilities and regulatory practices in these areas.
6. Notes that the Convention on Nuclear Safety (Article 11) as well as the Joint Convention (Articles 22 (ii) and 26) oblige Contracting Parties to ensure that adequate financial resources are available to support the safety of each nuclear installation throughout its life and whilst it is being decommissioned.
7. Notes that the obligations under the above-mentioned Conventions aim at ensuring the basic preconditions for a high level of nuclear safety and that, the Member States who are Contracting Parties, have agreed to abide by these Conventions.⁷

⁴ Articles 7-9, see also corresponding articles 19-21 of the Joint Convention on Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

⁵ With two exception

⁶ With four exceptions

⁷ The Convention on Nuclear Safety addresses the following: "Legislative and regulatory framework" (Art. 7), "Regulatory body" (Art. 8), "Responsibility of licence holder" (Art. 9), "Priority to safety" (Art. 10), "Financial and human resources" (Art. 11), "Human factors" (Art. 12), "Quality assurance" (Art. 13), "Assessment and verification of safety" (Art. 14), "Radiation protection" (Art. 15), "Emergency preparedness" (Art. 16), "Siting" (Art. 17), "Design and construction" (Art. 18), and "Operation" (Art. 19)).

8. Notes that the Member States have made considerable contributions to the recent improvement of the IAEA Safety Standards, which are more detailed than the obligations of the above-mentioned Conventions.
9. Understands that the IAEA Safety Standards are widely applied in the Community, but that necessary and natural differences exist between countries with regard to the more detailed safety requirements as well as the enforcement of the requirements.
10. Reaffirms the importance pointed out in the 1975 Resolution and 1992 Resolution, as well as recently by the Commission, to strengthen the efforts to harmonise nuclear safety requirements and to ensure equal operational conditions for the nuclear industry in the Community.
11. Recognises that harmonisation of nuclear safety requirements for existing facilities is a very complex undertaking, due to differences in the basic designs, differences in industrial standards and in legal traditions and systems. Any harmonisation needs to be based on a careful technical evaluation. Therefore harmonisation needs time and clear objectives.
12. Stresses that harmonised nuclear safety requirements in the Community need to reflect best international practice. Recognises however, that striving towards harmonised nuclear safety requirements does not prejudice anyone's right to introduce more stringent measures.
13. Emphasises that a non-legally binding, incentive driven and well defined harmonisation process, respecting the national responsibility for nuclear safety and taking into account already existing international co-operation, has the best possibility to achieve positive results from the safety point of view.
14. Requests Member States, using the IAEA Safety Standards as reference levels, to engage in a common, systematic and clearly scheduled process with specific milestones to investigate substantial differences in their existing national safety requirements and on that basis make the necessary amendments to their national requirements and implementation, in order to reach a similar legally based level of safety.

15. Requests the Commission to support Member States in this investigation through the Nuclear Regulators' Working Group and to advise the Member States which regulations should be harmonised.
16. Asks Member States to continue their investigation of necessary harmonisation measures, whenever science and technology advance in such a way that the earlier applied reference levels need to be revised or amended.
17. Recalls the conclusions of the Laeken European Council which called for regular reports from Member States' nuclear safety experts within the Union and, accordingly, requests Member States and the Commission to provide the Council and the European Parliament with (a) copies of the reports prepared for peer review under the Convention on Nuclear Safety and the Joint Convention and (b) reports on the progress made to harmonise regulatory regimes according to Articles 14 to 16. The reports prepared under (a) should be submitted six months before each and every review meeting and the reports prepared under (b) should be submitted every second year.
18. Invites the Commission to organise a review of the nuclear safety situation in the Member States based on the peer reviews conducted under the Convention on Nuclear Safety and the Joint Convention, as well as the work done to harmonise nuclear safety approaches. The reviews should be carried out along the following lines:
 - A Committee composed of experts, nominated by the Member States, from the regulatory bodies should be established. This Committee shall adopt its rules of procedure and methods of working;
 - One year after each Review meeting under the Convention on Nuclear Safety and the Joint Convention, the Commission should call a meeting of the Committee to assess the nuclear safety situation in all the Member States based on the reports submitted under Article 17 and the initiatives taken by the Member States as a consequence of these reports and Review meetings;
 - The Committee can request further information, from Member States, it deems necessary in order to verify the nuclear safety situation and in order to conclude whether any further

measures are necessary in any Member State in order to maintain a high level of nuclear safety;

- Following the Committees review meetings, the Committee should prepare a report of the review for each Member State. The report should be forwarded to the Member State concerned who, within six months of receipt, should indicate its regulatory body's views on the report and, if appropriate, the measures the same regulator deems necessary to remedy any shortcomings.

19. Urges Member States to achieve a high level of transparency on issues related to the safety of nuclear installations within their jurisdiction by ensuring that the reports mentioned in article 17 are made available to the general public, for example, through publication on the internet.
