

Final minutes of the 10th meeting of ENSREG

28 October 2009, 9:30 – 17:00
Albert Borschette, Brussels

Participants

Related document¹: list of representatives from the Member States and Observers (HLG_p(2009-10)_36)

All EU Member States as well as the European Commission, with exception of Latvia and Malta, were represented. Austria sent a delegate to follow discussions.

Mr Jamet (Director of the Division of Nuclear Installation Safety, IAEA), Mr Schwarz (Deputy Director of Swiss Federal Nuclear Safety Inspectorate), Mr Szendrő (ensuring Swedish Presidency at the Council's Atomic Questions Group) and Ms Buisson (Cabinet of the Commissioner for Energy) attended the meeting as observers.

Mr Harbitz (Director General of the Norwegian Radiation Protection Authority) and Mr Decaestecker (Head of Unit, Secretariat General of the Council) apologized about their absence.

1. Introductory address by Chairperson

Related documents:

- Mr Stritar presentation at ITRE Committee (HLG_p(2009-10)_37)
- ERDO letter to Mr Stritar (HLG_c(2009-10)_17)

Mr Stritar, Chairperson of ENSREG welcomed the new Members/observers: **Dr Tom Ryan** (Director of Regulatory Services at Radiological Protection Institute of Ireland) and **Ms Marie-Laurence Buisson** (Cabinet of the Commissioner for Energy).

Mr Stritar informed that he officially submitted the ENSREG report to Commissioner Piebalgs on 17 July 2009. The Commission transmitted the report to the Council and European Parliament. Mr Stritar presented the ENSREG activities and achievements at the Council's Atomic Questions Group (9 September) and the European Parliament's Committee on Industry, Research and Energy (12 October). Besides, he reminded the group about a letter received from ERDO (European Repository Development) that invites ENSREG to cooperate on radioactive waste management matters.

Mr Szendrő, the chair of the Council Atomic Questions Group (AQG) on behalf of the Swedish Presidency, informed that the Council has prepared draft conclusions² in response to the ENSREG report, inviting the Group for further actions while keeping in mind the new context following the adoption of the Nuclear Safety Directive.

¹ Legend: Name of Group_Confidentiality or type of document (Year- Meeting Number)_Document number.version number (if any).

Confidentiality of document:

- **c** for Consultation. Document discussed at HLG meetings and accessible for public
- **p** for Public. It is HLG final document for release to the public
- **r** for Restricted. Document accessible only for Members and Deputy Members of the Group
- **A** for Agenda
- **M** for minutes

² The proposal was adopted as an A item at the ECOFIN Council on 10 November 2009

The Commission representative (Mr Ristori), after having thanked the Group about the timely preparation of the report, pointed out the importance given by all EU Institutions to nuclear safety and radioactive waste management, and recalled the Council Resolution on spent fuel and radioactive waste management adopted by the Council in December last year.

2. Adoption of the agenda

Related document: adopted agenda (HLG_A(2009-10)_Final).

The agenda was adopted with suggested inclusions by Mr Stritar:

- under "Presentation of progress made by ENSREG groups": organisation of a European Conference on nuclear safety and radiation protection and IAEA proposal on IRRS missions;
- under "Any Other Business": invitation to the USA Regulator to attend ENSREG meeting(s).

3. Presentation of progress made by ENSREG subgroups

Related documents:

- WG1 minutes of the meeting in September (HLG_c(2009-10)_20)
- Report on IRR³ and IRRS⁴ missions (HLG_p(2009-10)_39)
- WG3 work progress and programme (HLG_c(2009-10)_21)
- ASN suggested initiative of the European Conference (HLG_c(2009-09)_15)

Chairs of working groups (WGs) informed about progress of their activities from July 2009.

WG1 (nuclear safety). **The Chair of WG1, Mr Weightman**, reported about the last subgroup's meeting in September where discussions were focused on major achievements. Among them: finalisation of "pros and cons" document, conclusion on the review of IRRS and IRR³ missions document and process developed for Convention on Nuclear Safety feedback. WG1 also reviewed its work programme against the requirements of the EC directive on nuclear safety, taking into account of the resource commitment needed (*this point is more developed under part 5 of the minutes*). In relation with WG1 revised draft work programme, Mr Ristori was pleased that this work programme foresees activities for facilitating implementation of Nuclear Safety Directive. Mr Ristori informed the Members that the Commission intends to organise a seminar in early 2010 to assist EU Member States on the transposition of the mentioned Directive into national legislation. ENSREG will be associated to this process.

WG2 (radioactive waste management). **Mr Laaksonen (FI)** reported on behalf of Mr Varjoranta (temporary chair of WG2) that WG2 completed its work programme in July. Results of WG2 work were included both in ENSREG report and Council's resolution on spent fuel and radioactive waste management. Guidelines for national programmes for waste management and a report on better use of Joint Convention are among main achievements of this subgroup. Several other WG2 reports were mentioned as well; they are all uploaded under ENSREG Circa website. Next WG2 challenge is to contribute for a possible Directive on radioactive waste management.

WG3 (transparency). **Ms McGarry, chair of WG3**, presented the progress made. WG3 preparation of transparency guidelines for national regulators meets some delays, due to overwhelming volume of information received in response to the questionnaire prepared by both WG3 and the NEA working group. It is expected that guidelines will be finalised by the middle of 2010. Some contacts have been established with other organisations (e.g. IAEA, ENEF) to avoid duplication of work and make better use of what already exists. (*The ENSREG website issue was presented under item 5 of the agenda.*)

³ International Regulatory Review Team

⁴ Integrated Regulatory Review Service

Following presentations, Mr Stritar reported about feedback received from various fora that he has attended to present ENSREG activities. While this feedback was in general supportive to the Group, questions were also raised, pointing, in particular to delays in the workprogramme implementation. Some Members considered that delays were unavoidable due to the Group's given priority to contribute to the Commission's proposal establishing a Directive on nuclear safety⁵. It was, however, noted that communication of the Group's undertakings and achievements has to be improved. An agreement was reached that the Group should establish a few major objectives for the next two years. A one page document summarizing these objectives would be the pillar of ENSREG's revised work programme. In the same context, in order to get more visibility, the (ongoing) project for ENSREG website and organisation of a European Regulators conference on nuclear safety and radiation protection were put forward. The latter one, initiated by FR at 2 July meeting, received widespread support, even though views still diverged about the Conference's concept.

Main agreements:

- Endorsement of WG1 prepared document "IRRT and IRRS missions since 1998 in EU Member States".
- A task force was established to prepare a comprehensive proposal on a possible European Conference, presenting its purpose, objectives, addressees, topics for discussion, concrete venue and date for the first meeting, organisational and programme committee, potential costs and financing sources, among several other issues that the task force may consider relevant. The task force is composed of the following persons: Mr Lacoste (FR), Mr Weightman (UK), Mr Pouleur (BE), Mr Müskens (NL) and Mr Garribba (European Commission).

Action: task force was requested to prepare a mentioned proposal on a European Conference for discussion and adoption at the next ENSREG meeting.

4. Presentation of ENSREG website template

Related documents: Note of Ms McGarry (HLG_c(2009-10)_22)

Ms McGarry introduced the ongoing preparations of ENSREG website within WG3 subgroup and presented her suggestions about methodologies for approval of the website's final release. She also reported that according to WG3, it would be advisable that ENSREG accepts the offer by the Commission to provide with necessary assistance through contractor for the maintenance.

The Commission's contractor (ESN) presented beta version of the website and confirmed that given that all content material is received timely, the website can be finalised by the end of 2009.

Following the presentation, Ms McGarry responded to questions from the Members. She clarified that the website aims to becoming a source of information for the public on nuclear safety and how it is regulated within EU. Material on the Directive on nuclear safety is still missing, as well as text on safe radioactive waste management. The website is intended to provide with general information and should not have promotional character for the use of nuclear energy. The website will provide with appropriate links to national regulators, EU legislative instruments and the IAEA documents, inter alia for additional technical information.

⁵ OJ L 172/18 of 2 July 2009

Main agreements:

- General approval of the website's structure beta version, as shown during the meeting.
- Endorsement of Ms McGarry proposal of methodology for approval of the website's final release. The procedure will be as follows: 1) once the final version is available, WG3 will give its final comments; 2) contractor makes final improvements; 3) ENSREG Chairperson and Vice-Chairpersons authorise the website to go live.
- ENSREG website to be finalised by the end of 2009. Members agreed to contribute for providing necessary information about their country profiles.
- Endorsement of Ms McGarry proposal that the maintenance of the website will be ensured by the contractor's assistance as offered by the Commission.

Actions:

- Members who are not represented at WG3 subgroup, to send their country profiles by 13 of November to Ms McGarry and the Secretariat of ENSREG.
- WG3 to appoint one editor, who will be responsible to clear the content of the website with the Commission's services.

5. Revision of the work programme

Related documents:

- WG1 work programme (HLG_c(2009-10)_18)
- Proposal for EC and IAEA cooperation (HLG_c(2009-10)_26)
- WG3 (transparency) work progress and programme (HLG_c(2009-10)_21)
- ENSREG activities in 2010-2011 (HLG_c(2009-10)_27)
- Swedish views about ENSREG (HLG_c(2009-10)_16)
- Adopted nuclear safety Directive (HLG_p(2009-09)_33)
- Council conclusions about ENSREG, as adopted on 10 November (HLG_p(2009-10)_40)

WG1 (nuclear safety). Mr Weightman gave a presentation of WG1 proposal of a revised work programme. He clarified that some of originally foreseen objectives will stay while some others will be superseded by new objectives. WG1 suggested activities for the next years are articulated as 1) a better use of the Convention on Nuclear Safety, 2) assisting the process of peer reviews and 3) facilitating implementation of the Directive on Nuclear Safety. Many Members expressed their support to this work programme, especially if it remains centred on the Directive. They attracted attention on reporting as on one key issue to be solved, since it is provided for in article 9 of the Safety Directive. This would minimise the differences with the existing reporting within the Convention on Nuclear Safety avoiding duplication and saving resources. Another challenging duty is to agree on a common methodology for IRRS missions, while keeping in mind limited availability of qualified experts for such peer reviews that the EU Member States are committed to undertake. The IAEA submitted a draft proposal to ENSREG for EC / IAEA / Member States cooperation. The draft proposal foresees preparation of the European IRRS programme that would include EU Nuclear Safety Directive requirements. Within this process, specific programmes would be established for each EU country and would cover self-assessment, mission itself and a follow-up of the mission. Appropriate resources would have to be provided from all players: IAEA, European Commission and the EU Member States. The issue needs further discussion.

While discussing future WG1 actions, Ms McGarry suggested that all actions related to the implementation of the Directive on Nuclear Safety are put together for all ENSREG subgroups. She also advised that for more readability and clearness, it would be more preferable to have a common presentation form for ENSREG work programme instead of different ones for each subgroup.

Main agreements:

For the actions of the document HLG_c(2009-10)_18 (WG1 work programme), following decisions were taken:

- Action 1: agreed.
- Action 2: not necessary anymore, as Malta is already a Contracting Party of CNS.
- Action 3: this question is not solved yet. Members were discussing on how to deal with the fact that CNS scope of facilities is more limited than the one of the Directive on Nuclear Safety. One of suggestion was first to solve the issue of the reporting before tackling scope of facilities concerned by international peer reviews.
- Actions 4 and 5: ENSREG Members state that they wish to be consistent with the IAEA established IRRS process.
- Action 6: agreed.

The adoption of the ENSREG work programme as a whole is postponed to the next ENSREG meeting.

WG2 (radioactive waste management). Mr Stritar, on behalf of all ENSREG Members, asked the Commission about its intentions to make a (revised) proposal for a Directive on spent fuel and radioactive waste management. Mr Ristori informed that such decision belongs to the new Commission, while the safe management of radioactive waste remains one of top priorities of the Commission in the nuclear domain. Provided that the new Commissioner agrees, the Commission may table a revised proposal for a Directive possibly before the summer 2010. In such context, ENSREG advice is welcome. Many Members considered that ENSREG should already start working on common approaches for such legal instrument, focussing especially about the Directive's principles, and afterwards, as well, about peer reviews. The ten principles of ENSREG and the Council resolution on waste management could serve as a basis of such Directive.

Main agreement: WG2 should immediately start improving its working plan and prepare input for a draft directive on radioactive waste and spent fuel management.

WG3 (transparency). Ms McGarry presented WG3 revised work programme. It was noted that for ENSREG recommendations on how to implement article 8 (information to the public) of the Directive on nuclear safety, it would be preferable to prepare them by June 2010, given the two years timing for transposition of the Directive into the national legislations.

Proposal for a summary document on main directions to be taken by ENSREG for the next two years. This proposal was initiated by FR. It received a general support. Nevertheless, some improvements were suggested: reference to continuous improvements should be made, deliverables and timetable should be evident, transparency objective should have a clear target, clarification on how to reflect about training and competences, as referred in the Council conclusions about ENSREG, is necessary.

Main agreements:

- Endorsement in principle of such main directions.
- ENSREG Chairperson and the vice-chairpersons will review the document for a better formulation of some points of this document, taking into account expressed views.
- Endorsement in principle of directions proposed by WG1, WG2 and WG3.
- Next ENSREG meeting will aim to approve the summary document of its main directions and adjust, in accordance with it, draft work programmes of subgroups.

6. Exchange of views about the next Chairmanship of ENSREG and its subgroups

Mr Stritar reminded that in accordance with ENSREG rules of procedures, the Chairperson (currently Mr Stritar) and his Vice-chairpersons (currently Mr Weightman and Ms McGarry) have to be designated for a period of two years and may be re-appointed once. The next Chairmanship term starts in January 2010. In addition, chairs of subgroups have to be agreed, trying to preserve a high level of representation, with chairs of groups attributed to a Member of ENSREG.

Main agreements:

- Mr Stritar was confirmed as a Chairperson of the Group for its second two years term of Presidency starting in January 2010 by acclamation.
- Decisions on Vice-Chairpersons and chairing of ENSREG subgroups will be taken at the next ENSREG meeting in mid-January 2010.

Actions: Proposals about possible Vice-Chairpersons and chairs of subgroups to be sent to Mr Stritar by the end of 2009.

7. Any other business

a. US NRC

US Regulator (US Nuclear Regulatory Commission, NRC), during its meeting with the Commission's officials, had shown interest to attend the next ENSREG meeting.

Main agreement: Members agreed that NRC can be invited to one meeting at the beginning of 2010. Given article 2.2 of the ENSREG revised rules of procedure, this invitation should not be interpreted as offering to NRC status of Observer.

Action: the Commission can inform NRC about next ENSREG meeting.

b. Seminar on the licensing of new nuclear power plants in Ukraine

Members were informed about the Commission's (DG ELARG) initiative to organise a seminar on the licensing of new nuclear power plants in Ukraine. The seminar will take place on 9 December 2009, in Kiev (UKR). DG ELARG is looking for volunteering experts to give lectures for that occasion. For further details, Members can contact the Secretariat.

8. Information about the next meeting

Main agreements: next meeting will take place on **15 January 2010**, with an alternative date of 14 January 2010. On the agenda: designation of Vice-chairpersons and chairpersons of subgroups, endorsement of ENSREG work programme and decision on organisation of the European Conference on nuclear safety and radiation protection.