



European High Level Group  
on Nuclear Safety and Waste Management

Luxembourg, 17.06.2008  
HLG\_M(2008-04)\_final

## Final minutes of the 4<sup>th</sup> meeting of the High Level Group (HLG)

30 May 2008, 9:30 – 17:00  
Albert Borschette, Brussels

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### Participants

Related document<sup>1</sup>: list of representatives from the Member States (HLG\_p(2008-03)\_9.v1)

All EU Member States, with exception of Estonia, Latvia and Malta, were represented. The Commission Members also participated.

**Mr Jamet (Director of the Division of Nuclear Installation Safety, IAEA) and Mr Schwarz (Swiss Federal Nuclear Safety Inspectorate)** attended the meeting as observers.

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### 1. Introductory address by Chairperson

Related document: Letter from the EP to Mr Stritar (HLG\_p(2008-04)\_11).

**Mr Stritar, HLG Chairperson**, informed the Group about the increased interest Europe-wide about HLG activities. High interest on substantial progress on nuclear safety was shown at the European Nuclear Energy Forum, held end of May 2008, in Prague, where Mr Stritar reported on HLG work. The European Nuclear Energy Forum invited EU to be a leader in nuclear energy safety, supporting the need of community legislation in this area.

Besides, the European Parliament (EP) sent an invitation to Mr Stritar asking to present to the Committee on Industry, Research and Energy the progress of HLG work. Mr Stritar intends to accept the invitation.

On more administrative issues, the Chairperson apologised that due to some delay by subgroups, documents were sent late to Members. He invited everybody to send documents on time, in accordance with the rules of procedure, in order to ensure that other Members have a sufficient time to prepare for the meeting.

### 2. Adoption of the agenda

Related document: adopted agenda by the Members (HLG\_A(2008-04)\_Final).

The agenda was adopted without changes.

### 3. Adoption of the draft minutes of the previous meeting (11.01.2008)

Related document: adopted minutes (HLG\_M(2008-03)\_Final).

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<sup>1</sup> 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

The minutes were adopted, taking into account DE and UK proposed modifications.

#### **4. Discussion of HLG work programme**

##### Related documents:

- Adopted HLG draft work programme excluding WGNS3 part (HLG\_p(2008-04)\_10.Final)
- HLG draft work programme excluding nuclear safety part (HLG\_r(2008-04)\_14.v1)
- Chairperson's proposal on nuclear safety elements (HLG\_r(2008-03)\_8.v1)
- FR proposal on nuclear safety elements (HLG\_r(2008-04)\_13)
- Draft work programme of WGNS 3 (HLG\_r(2008-04)\_15)
- Draft work programmes of WGNS 1 and WGNS 2 (HLG\_r(2008-04)\_16.v1)
- Minutes of WG1 meeting on 15 May 2008 (HLG\_r(2008-04)\_17.Final)
- WG1 – power point presentation on subgroups' activities (HLG\_r(2008-04)\_18.Final)
- WG3 – proposals of possible HLG acronyms and logo (HLG\_r(2008-04)\_19)

The initial purpose of this meeting was adoption of the work programme, based on inputs of the three HLG subgroups- (1) safety, (2) waste management, (3) transparency.

The Group agreed to discuss the tabled documents.

##### **4.1 WG1 - Improving nuclear safety arrangements**

Mr Weightman, Chair of WG1, made a presentation on activities undertaken by his group, based on their last meeting (15 May 2008) (see power point presentation). WG1 created its own three experts subgroups, dealing respectively with:

**WGNS 1 – The Convention on Nuclear Safety;**

**WGNS 2 – The National Arrangements for Regulating Nuclear Safety;**

**WGNS 3 – The Pros and Cons of EC Directives or other Instruments covering Nuclear Safety.**

Draft work programmes of WGNS 1 and WGNS 2 were distributed already for the previous HLG meeting on 21 April 2008. Intermediate results of WGNS 3 are expected by 1 July 2008.

UK also offered to provide these expert groups with a consultancy team. FR replied that a mechanic of four levels (HLG main group, HLG subgroups, expert groups of HLG subgroups, consultancy team) may slow down any possible progress.

IT felt concerned that a draft work programme of WG1 does not contain anything related to harmonisation of nuclear safety standards nor a community legal instrument. IT, supported by FR, would like to see HLG work to be adequate to the high level of representation of its Members.

##### **a) WGNS 1 and WGNS 2 activities**

Following this introduction to the start of WG 1 works, HLG Members discussed and agreed, in principle, on the tabled draft work programmes of WGNS 1 and WGNS 2, with few wording and timing modifications.

WGNS 1 document commits nuclear regulators of EU Member States to openly exchange all information coming from the review process under the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management. Besides, lessons of common interest would be identified and national follow-up actions established for further improvement of nuclear safety.

WGNS 2 document commits EU nuclear regulators to proceed to IRRS missions (IAEA peer reviews) and self assessments as a mean to ensure nuclear safety and share good practice. Non nuclear EU Member States should also be involved with the status of observers.

Main agreement: work programmes of WGNS 1 and WGNS 2 were approved.

## **b) WGNS 3: pros and cons of EU legislation**

WGNS 3 has been charged to analyse possible benefits and disadvantages of a EU legislative framework in nuclear safety.

Mr Weightman, followed by **Mr Jende (leading person of WGNS 3)**, presented their methodology. It intends to study in depth negative and positive impacts of EU legislation on nuclear safety within EU in five different cases, as follows:

- (1) No need – use existing international mechanisms to address any issues
- (2) A General Directive (similar to that proposed by the Chair of the HLG)
- (3) A General Directive with a provision to develop detailed safety standards
- (4) A detailed Directive including “safety standards”
- (5) A non-binding Instrument (detailed or not).

Support for EU legislative instrument (binding or not) was expressed by many national regulators (ES, FR, FI, IT, PL), the Chairperson and the Commission; whereas more reluctant views came from some others (UK, DE and SE).

FI also noticed that options (2), (3) and (4) (all of them being Directives) do not represent so much of difference. At the same time, Option (5)- a non binding Instrument already exist in the form of International Conventions to which most or even all Member States are part (Joint Convention and Convention on Nuclear Safety, respectively).

According to the Commission even a very general, but binding legal instrument, clearly stating fundamental principles that every Member State should fulfil, would reinforce the European legal framework, as well as the role and the competences of national regulators. In the present context, which has changed a lot since two years, it is important to take into account the call for EU legislation coming from the European Parliament, different Member States, as well as industry and citizens (strong support was also expressed by the European Nuclear Energy Forum in Prague). This view was also shared by HLG chairperson, FR, FI, PL. SE, on the contrary, thinks that a binding instrument and power for national regulators are incompatible.

In this context, FR underlined that an EU legal instrument should refer to EU Member States commitment to the IAEA related International Conventions as well as recognise the work achieved by WENRA. It should also make clear competences of national authorities and reinforce their means to act. Finally, in the framework of new nuclear power build, it seemed important that HLG Members agree on common safety principles.

ES, FI and EL pointed out that before deciding whether an EU legal instrument should be binding one, WG1 should establish criteria permitting to assess advantages and inconveniences of different options.

DE and UK invited the Members to wait first for results of WG1 study before going further into discussion. DE noticed that the present proposals of a EU legal instrument that does not go beyond the provisions of the CNS give no added value. EU members are, by ratification of the CNS, legally obliged to follow the content of CNS provisions.

IT invited HLG not to limit itself to present a list of "pros and cons for EU legislation" to the EP and Council, but instead to look for more substantial goals and results, given the opportunity that the Group gathers together heads of nuclear regulators and safety authorities.

Most of the Members that took part into the discussion welcomed a document tabled by FR that provided essential provisions to be discussed as possible elements to be included in an EU legislative instrument. This document is coherent with commonly shared principles of the Convention on Nuclear Safety.

### Main agreements:

- WGNS 3 will send its analysis document to HLG Members by 1 July 2008
- HLG Members will have then until 1<sup>st</sup> September to comment the received document

- Afterwards, WGNS will have two additional weeks until 15 September to improve the document taken into account of remarks received. This three steps approach would permit to the Members to be closer involved in finalisation of the study results and to have enough time to review the proposed final document before the October meeting.
- Mr Lacoste (FR) invited the Members to send him informally their views on FR tabled proposal.

#### **4.2 WG2- Improving spent fuel, radioactive waste, management and decommissioning arrangements**

**Mr Vincent, Chair of WG2**, presented the Group with a new draft work programme that took into account requested changes during previous meeting, in Vienna.

A couple of additional minor modifications were proposed by DE and agreed.

Main agreement: the WG2 work programme was approved.

#### **4.3 WG3- Improvements on Transparency Arrangements**

**Ms McGarry, Chair of WG3**, tabled a slightly modified work programme, incorporating modifications requested by the Members.

The Chairperson maintained that WG3 efforts should first concentrate on HLG website creation and that at least simple homepage should be established as soon as possible. The Members discussed main aims of the website.

Main agreements:

- The WG3 work programme was approved.
- The HLG website should address mainly nuclear safety issues for public in general.
- The website should provide with links to the public part of HLG CIRCA system as well as to (at least some) websites of EU national nuclear regulators.

Action: The Chairperson urged WG3 to establish the website as soon as possible.

#### **4.4 Introduction part of HLG work programme**

The introduction was prepared in March 2008. Two proposals were tabled at that time: a revised document of the HLG Chairperson and a document prepared by HLG vice-chair, Mr Weightman. The HLG Chairperson suggested commenting the proposal of Mr Weightman.

Main agreement: the introduction was adopted without any comments.

#### **4.5 HLG acronym and logo**

As agreed during HLG April meeting, based on inputs of WG3 experts, Ms McGarry presented three proposals for HLG acronym<sup>2</sup> and logo, in order to make this Group recognisable among other High Level Groups established by the Commission.

While few Members suggested keeping all initials of European High Level Group on Nuclear Safety and Waste Management, majority of Group seemed to prefer a shorter and easier pronounceable acronym, like ENSREG (European Nuclear Safety **RE**gulators **G**roup).

Members also requested to rework a logo of the Group, avoiding any sign of promotional character. The suggested concept should bring an idea of safety or protection of people.

Actions:

- Secretariat: to check the ENSREG acronym availability.

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<sup>2</sup> **ENSWaG:** European Nuclear Safety and Waste Group  
**ENSRG:** European Nuclear Safety Regulators Group  
**ENSA- HLG:** European Nuclear Safety Authorities- High Level Group

- WG3: to come back with new logo proposals.

**5. Information about the next meeting (15 October, Brussels)**

The date of the meeting was confirmed.

The October meeting will be devoted to the finalisation of the HLG work programme.

**6. Any other business**

Main agreement: access to HLG CIRCA website documents is granted to experts of HLG subgroups without restrictions, unless otherwise decided by the Group in the future.