



## **Minutes of the extraordinary meeting of the European Nuclear Safety Regulators Group (ENSREG)**

7 November 2008, 09:00 – 13:00

Committee of the Regions, Brussels

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### **Participants**

All the EU Member States, with the exception of Cyprus, Estonia, Lithuania, Malta and Portugal, were represented. The Commission Members have also participated to the meeting.

**Mr Decaestecker (Division for Energy and Atomic Questions, Council)** and **Mr Jamet (Director of the Division of Nuclear Installation Safety, IAEA)** attended the meeting as observers. **Ms. Rasa (Cabinet of the Commissioner for Energy)** was invited to take part in the meeting.

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### **1. Introductory address by Chairman**

The meeting was started by an introductory remark of the **ENSREG Chairman (Mr Stritar)**, who highlighted the very fast developments leading to the organisation of an extraordinary meeting, aiming to offer the Group's Members the opportunity to express preliminary individual views on the text of the internal draft text for a revised Directive on nuclear safety, distributed at the ENSREG meeting of 15 October 2008.

### **2. Adoption of the Agenda**

Related document: adopted Agenda by the Members (HLG\_A(2008-06)\_Final).

### **3. Discussion on the draft proposal for a Nuclear Safety Directive**

Related document: Draft Commission proposal for a Nuclear Safety Directive (HLG\_r(2008-05)\_36)

The discussion was organised in two parts: 1) an exchange of opinions on the basic principles on which the draft Directive is based upon; 2) an in-depth and detailed discussion on the Preamble and core Articles of the draft Directive.

At the beginning of the meeting, the **Commission representative** thanked the Chairman and the ENSREG Members for their individual preliminary comments on the draft Nuclear Safety Directive, which were already carefully analysed by the Commission, and presented the key elements of the Commission approach for adopting a revised legislative framework on nuclear safety, taking note in particular of the following aspects:

- The Western European Nuclear Regulators Association (WENRA) position presented in the letter sent to Commissioner Piebalgs on 31 October 2008;
- The outcome of the third plenary session of the European Nuclear Energy Forum (ENEF) which strongly supports the establishment of an EU legal framework responding to public demand, based on the fundamental safety principles of the Convention on Nuclear Safety (CNS);
- The 10 principles for an EU Nuclear Safety Directive, endorsed by ENSREG.

A review of the proposal's basic principles<sup>1</sup>, main provisions, added value, political context, as well as of its envisaged timeframe of adoption by the Commission<sup>2</sup> was also presented to the participants. The Commission expressed its full availability to assess and incorporate in its proposal the comments put forward by the ENSREG Members on the occasion of the extraordinary meeting.

The first half of the meeting was dedicated to an **exchange of opinions on the basic principles on which the draft Directive is based upon**. The views expressed by the participants during the discussions can be summarised as follows:

- The inclusion of the Nuclear Safety Reference Levels worked out by WENRA in EU binding legislation is not feasible (**IE, AT, CZ – WENRA Chair, UK, BE, FR, ES**);
- There is no reference in the text on the Member States' possibility to apply more stringent safety standards than the ones commonly applied (**UK, FR**);
- Concerns were expressed with respect to the effects on regulatory decisions of non-compliance cases with the Directive's provisions (**DE, CZ**);
- Transparency aspects need to be strengthened in the text (**IE, FR, DE, SE**);
- The text emphasises new build too much; more emphasis is also needed on existing reactors as there are still serious maintenance measures and safety issues in this area (**IE**);
- The scope of the definition of "nuclear installation" is very broad (**AT, BE**);
- The distinction between new and old nuclear installations is arbitrary (**AT**);
- The proposed text does not fully address the nuclear safety principles endorsed by ENSREG (**UK, PL, DE**);
- The 10 principles endorsed by ENSREG should be incorporated in the text of the Directive – they should be explicitly listed in the Preamble and, if necessary, incorporated in the text of the main Articles (**UK, EL, FR, IE, AT, SE, DE, ES**).
- The text of the draft Directive is too generic – e.g. the reference to the fundamental principles of the CNS included in Article 5, paragraph 1 (**IT**);
- A non-binding instrument could be also envisaged by the Commission (**CZ, HU**);
- There is no real pressure from the public for enacting binding EU legislation on nuclear safety (**DE, UK, CZ**);
- The independence of the regulatory body needs to be ensured (**FR, ES**);
- The impact of the proposal on the power, role and responsibilities of the national regulators is not sufficiently addressed. The proposal added value should be further assessed (**UK**);
- Concerns/requests for additional information on the timeframe proposed by the Commission for the adoption of the legislative proposal (**UK, BE, HU, IT, ES, IE, EL**);
- Some of the Articles of the CNS are outdated (**IE**).

Following the opinions expressed, the **Commission representatives** thanked for the positive spirit and the constructive approach and noted the large consensus reached within the Group on:

- The removal from the Directive of the WENRA Reference Levels;
- The Member States' possibility to go beyond the Reference Levels. On this point, the Commission agreed that the Directive can be explicit about the possibility of Member States to apply more stringent safety requirements than commonly applied;

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<sup>1</sup> The principles of the CNS, to which all the EU Member States and Euratom are Contracting Parties

<sup>2</sup> The Commission intends to adopt the proposal by the end of 2008

- The compliance concerns in case of legally binding safety levels. Any EU binding legal instrument would provide EU citizens and private entities legal certainty and the possibility to lodge a complaint against a Member State for any measure or practice that is considered incompatible with a provision or a principle of Community law. Nevertheless, this has to be seen in the context of reinforcing the role of the national regulators. The Commission has room for manoeuvre when opening an infringement procedure and will carefully manage this aspect taking into account all provisions of the Directive. In addition, it was clarified that the work of the national regulators will be assessed in the light of the national legislation adopted by the Member State, and not primarily in the light of the Directive;
- The point on definitions and on "*new installations*";
- The necessity to reinforce the key aspect of transparency in the text of the Directive;
- The recommendation to include a reference to the 10 ENSREG nuclear safety principles in the Preamble of the draft Directive and, if needed, in its main Articles. The Commission expressed its agreement on referring to those principles in the Directive, provided that the EU legislative procedures for enacting Community law are fully respected.

The second half of the meeting was dedicated to an **in-depth and detailed discussion on the Preamble and core Articles of the Directive**, on which the ENSREG Members made punctual proposals on improving the proposed legal text, presented below. Some of them clearly stated that these opinions were preliminary and did not commit their respective Member States to a specific position on the Directive as a whole or its specific provisions. The main opinions expressed can be summarised as follows:

- For the **Preamble**: improve wording for recitals 4 (**BE**), 5 (**FR, DE, AT**), 6 (**IE, EL, AT**), 12 (**UK**), 13 (**DE, PL**) and delete recitals 6 (**ES**), 7 - second statement (**UK**), 8 – second statement (**SK, PL, AT**), 10 (**FI, UK**)<sup>3</sup>, 11 (**UK**), 14 (**FR, FI, UK, CZ, PL, AT, BE**). In addition, a recital on transparency (**IE**), as well as a recital reiterating the 10 principles (as previously agreed) should be added. The recommendations included in the written comments sent by the ENSREG Members prior to the meeting should also be taken into account;
- On **Article 1 (Objective and scope)**: include a separate paragraph recognising the right of each Member State to use or not nuclear energy (**FR, AT, UK**); formally recognise some of the 10 nuclear safety principles endorsed by ENSREG (**UK**); include decommissioning in the Directive's scope (**DK**); separate the reference to the Basic Safety Standards Directive (**BE**);
- On **Article 2 (Definitions)**: revise the definitions of "nuclear installation" in line with the corresponding definition of the CNS/IAEA Safety Glossary/IAEA fundamental safety principles (**IT, ES, PL, BE, SE, AT, IE, DK, FR, EL, UK**); revise the definitions of "regulatory body" (**FI**); revise/remove the definitions of "European Reference Safety Levels" (**PL, UK, AT**); as a general comment, bring in line all the definitions used in the draft Directive with the ones used in the CNS/IAEA Safety Glossary/IAEA fundamental safety principles (**CZ, IAEA observer, ES**).
- On **Article 3 (Responsibility and framework for the safety of nuclear installations)**: the wording of paragraph 1 should clarify better the division of responsibilities between the licence holder and the regulatory body (**DE, SI**), enhance the scope of the paragraph 2 (**UK**);
- On **Article 4 (Regulatory bodies)**: improve the definition of the role and independence of the regulatory body (**PL, FI, FR, ES, SE, UK**);
- A separate **Article 4bis** on transparency was proposed (**FR, UK, AT**);

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<sup>3</sup> CZ, PL, AT, SE expressed doubts on the deletion of recital 10.

- On **Article 5 (Safety requirements and regulations for nuclear installations)**: clarify the meaning of the CNS fundamental principles (**IE**) or refer to its “obligations” (**UK**), replace/complement the reference to the CNS with a reference to the IAEA Safety Fundamental Principles (**SE, UK, FR, AT, DK, IE**), delete paragraphs. 2, 3 and 4 (**FR, SE, UK, AT**);
- On **Article 6 (Obligations of licence holder)**: delete paragraph 1 (**UK**), expand the scope of the Article (**FI, NL**), unnecessary Article (**EL**);
- On **Article 7 (Inspections)**: widen the scope of the Article (**UK, IT**), delete the wording "after decommissioning" (**IT, SI**) and "national" (**LV**);
- On **Article 8 (Financial resources)**: redraft/remove this Article (**PL, UK, ES**);
- On **Article 9 (Nuclear safety expertise)**: rephrase the reference to the Member States obligation to ensure appropriate staff (**DE, UK**);
- A separate **Article 9a** on the role of ENSREG for the implementation of the Directive is proposed (**FR**)/including such a reference in the Directive's Preamble (**NL**);
- **On Article 10 (Transposition)**: include of a reference to the right of Member States to set up more stringent requirements (**FR**).
- Additional articles on emergency situations (**ES**) and on the right of each Member State to set out more stringent measures than the ones commonly applied (**FR**) should be included in the Directive.

A detailed presentation of the views expressed by the ENSREG Members on the text of the draft Nuclear Safety Directive is included in the Annex.

In conclusion of the discussions, the **Commission representative** expressed the availability of the Commission to carefully consider how to take into account the comments expressed, refer to the Commission political authorities and inform ENSREG on the outcome of the process. A consensus was reached on key aspects.

#### **4. Information about the next meeting (14 January, Brussels)**

The next ENSREG meeting will take place on 14 January.

## Annex

### Overview of the views of the ENSREG Member on the text of the draft text for a revised Directive on nuclear safety

(Distributed at the ENSREG meeting of 15 October 2008)

(i) On the **Preamble** of the draft Directive:

- **Recital (4):** **BE** noted that the reference to information in case of radiological emergency should be revised, as this concept is not reiterated in the text.
- **Recital (5):** **FR** proposed to add at the end of the first phrase the syntagm “and continuously improved”. **DE** considered the wording "*must be*" from this recital not justified in terms of nuclear safety. **AT** supported the **FR** proposal to include a reference to the continuous improvement.
- **Recital (6):** **IE** noted that the wording of this recital gives a sense of complacency as regards existing reactors; there are a lot of aging reactors that have to be maintained and a high level of safety has to be ensured; therefore, for new build the focus should be on trying to set up enhanced nuclear safety levels into new reactors, based on the experience with existing reactors. **ES** proposed the removal of this recital. **EL** considered the reference to the Chernobyl accident to be irrelevant for the vast majority of installations in the EU and proposed its removal. **AT** supported the **IE** comment, taking into account that nuclear safety is a permanent process and we should not give the impression of complacency;
- **Recital (7):** **UK** considered that the second phrase the recital refers to harmonisation and thus goes against the principle of flexibility of having higher standards and therefore proposed its deletion or rephrasing.
- **Recital (8):** **SK** considered the second part of the recital to be discriminatory against the new Member States and therefore proposed its removal. The **Chairman**, **PL** and **AT** seconded the **SK** comment.
- **Recital (10):** **FI** considered that, in line with the discussions on the WENRA Safety Reference Levels, this recital should also be removed. **UK** agreed with the deletion of the recital. **CZ** expressed doubts on deleting the entire recital, because it contains mainly a description of the WENRA achievements; thus, it would consider only the removal of the second phrase therein. **PL** seconded the **CZ** view. **AT** considered that the second phrase of recital (10) could be reworded rather than removed. **SE** supported the proposal to delete or rewrite the first phrase of recital (10) in view of reflecting the Member States' agreement to align their national requirements with the reference levels for nuclear power plants by 2010. **SK** referred, in connection with the 2010 timeframe mentioned in recital (10), that the new Directive would impose additional modification of the national legislation based on it; therefore the 2010 deadline can not be reached. **SE** clarified that the agreement about 2010 is an internal WENRA agreement, with no external value; the reference to WENRA should be taken out completely from recital (10) in case the WENRA Reference Levels are no longer referred to in the text of the Directive.
- **Recital (11):** **UK** considered that this recital refers to harmonisation and thus goes against the principle of flexibility of having higher standards and therefore proposed its deletion or rephrasing.
- **Recital (12):** **UK** suggested to use a more positive approach in recital (12), highlighting the aim of the Directive to enhance and strengthen the role of nuclear regulatory bodies.
- **Recital (13):** **DE** considered the reference to the task of ENSREG to set up a reference framework for establishing the conditions to achieve and maintain a high uniform level of nuclear safety throughout the Community is not in line with the Council Conclusions; therefore, this recital should be adapted to the Council Conclusions rather than to the Commission Decision. **PL** supported the opinion that this recital should be reworded. **DE** highlighted that the role of ENSREG is not "*to set up a reference framework for*

*establishing the conditions to achieve and maintain a high uniform level of nuclear safety*", as mentioned in recital (13); this wording, combined with the one of Article 1, would suggest that the role of ENSREG would be the elaboration of this Directive. The **Chairman** and PL supported the DE view.

- **Recital (14):** **FR** proposed the deletion of the recital due to its lack of added value. **FI, UK, CZ, PL, AT** and **BE** supported the deletion of this recital.
- **IE** suggested to add a separate recital on transparency in the Preamble.
- The **Chairman** reminded that a separate recital reiterating the 10 principles on how to draft legislation on nuclear safety endorsed by ENSREG should be added in the Preamble.
- **Commission position:** The **Commission representative** stated that the Commission has already taken note of the 10 nuclear safety principles agreed by ENSREG, of all written comments sent after the October meeting, as well as of the position expressed in the letter addressed by the WENRA Chair to Commissioner Piebalgs. Currently, the Commission is considering all the comments expressed in the meeting in view of improving the text, noting the consensus on the inclusion of the principle of continuous improvement (recital 5), the possible deletion of recital (6), the need to improve the wording of the second phrase of recital (8), the proposal to remove recital (10) or to improve the wording of the second phrase therein. The views on recital (11) have also been noted. The wording of recital (13) will be carefully reviewed, having in mind the comments expressed and the Council Conclusions. There is also a consensus on the deletion of recital (14).

(ii) On **Article 1 (Objective and scope):**

- **Paragraph 1:** **BE** considered that the link to the Council Directive 96/29/Euratom should not be made in paragraph 1; the FR proposal to add a paragraph on the right of any Member State to decide to use or not nuclear energy should be completed with the reference to the Council Directive 96/29/Euratom.
- **Paragraph 2:** **DK** proposed to add decommissioning to the scope of the Directive.
- **FR** proposed to add a third paragraph stating that the Directive is without prejudice to the right of any Member State to decide to use or not nuclear energy. **AT** and **UK** supported the FR proposal.
- **UK** proposed that Article 1 could also state some objectives by repeating the appropriate nuclear safety principles (e.g. first, second principle) in order to maximise their benefits.
- **Commission position:** In respect with this article, the reference to the Council Directive 96/29/Euratom could be separated. Also, there is no difficulty in adding an additional paragraph on the right on any Member State to decide to use nuclear energy or not.

(iii) On **Article 2 (Definitions):**

- **Definition of "nuclear installation":** **IT** considered the definition not to be very precise; as the Directive refers to nuclear safety, not to radiation protection, the definition should be limited to nuclear cycle installations. **ES** supported IT comments and considered that it is preferable to harmonise definitions, in line with the definitions of the IAEA Safety Glossary. **PL** noted that the CNS definitions should be followed; additionally, the research reactors, which are not covered by the CNS, should be included in the scope of the definition of the Directive. **BE** highlighted that a common international language for the definition should be used; supported the PL opinion on using the CNS definition for "nuclear installation"; research reactors should be included in the scope of the definition of "nuclear installation". **SE** considered the CNS definition of "nuclear installation" to be very narrow, as it covers only civil power reactors; if a broader definition is used, the first phrase of paragraph 1 of Article 5 should refer to the IAEA Safety Fundamentals, common for all installations and applications, rather than to the CNS. **AT** supported the opinion that the concept should be defined in broad terms; the definition should refer only to nuclear safety, not to radiation protection; the CNS definition might be helpful;

agreed with the SE opinion on the use of the IAEA Safety Fundamentals. **IE** requested clarifications if only nuclear reactors are taken into account, or the nuclear fuel cycle linked to nuclear reactors (e.g. fabrication, reprocessing). The **Chairman** shared the IE question. **DK** considered that the definition of "nuclear installation" is a crucial point; it is important to clearly establish the objectives of the Directive. **FR** reviewed the four possible scopes of the Directive: first an approach limited to electronuclear reactors (as in the CNS), second including electronuclear reactors and research reactors, third covering electronuclear reactors, research reactors and all nuclear installations, fourth covering all nuclear sources (e.g. medical); the third approach (electronuclear reactors and the research ones, plus all the other nuclear installations) seems to be the most appropriate. The **Chairman** agreed with FR on the choice of the third approach. **EL** agreed with FR views; agrees with the inclusion of research reactors in the definition, based on the CNS definition, to which research reactors should be added. **SE** stated that the CNS has a very strict definition, referring only to civil nuclear power reactors, not to research reactors; if an expanded definition will be used, the IAEA Safety Fundamentals should be referred to, and not the CNS. **UK** supported the FR views on the extension of the scope as provided in the third approach, including also fusion reactors.

- **Definition of "regulatory body":** **FI** noted that this definition could pose some problems, due to the existing differences in the decision-making process in some Member States.
- **Definition of "European Safety Reference Levels":** **PL** recommended its rewording. **UK** and **AT** supported PL views.
- **General comments on the definitions:**
  - **SK** commented that the new definitions laid down in the Directive will need to be transposed in the national legislation and this will imply the adaptation of the national legal framework; in this context, the 2 years deadline would appear insufficient. **CZ** supported the SK remarks and recommended that the definitions should be checked against the IAEA Safety Glossary.
  - The **IAEA observer** noted that the existing differences of the definitions included in the draft Directive from the definitions of the CNS/IAEA Safety Standards should be minimal; offered to review any revised draft in order to identify the discrepancies in terms of definitions and repartition of responsibilities between utilities and authorities; the CNS/IAEA Safety Standards will be used as a reference. The **Chairman** thanked the IAEA for the offer and recommended the Commission to take advantage of it.
  - **UK** underlined that the compatibility with other existing EC directives needs to be ensured (e.g. definition of "practice").
  - **FR** noted that some definitions are outdated (e.g. definition of "practice"); it should be decided if these definitions or the more recent definitions worked out by the IAEA should be used. The **Chairman** considered that new concepts should be used.
  - **ES** noted that the clearance levels for radioactive waste are not incorporated; the definitions of the IAEA Safety Glossary should be used.

(iv) On **Article 3 (Responsibility and framework for the safety of nuclear installations):**

- **Paragraph 1:** **DE** highlighted the need to clarify in paragraph 1 the distinction between the facts that the licence holder proposes the measures, and the regulatory body decides. The **Chairman** seconded DE comments.
- **Paragraph 2:** **PL** suggested replacing the word "establish" with "improve". **UK** agreed with the PL view and suggested using the word "maintain"; proposed to broaden the scope of the paragraph to a system of licencing and control of nuclear installation, as well as to system of regulatory inspection, assessment, inspection and the necessary enforcement. **SK** considered that the word "establish" in paragraph 2 should be maintained.

▪ **General comments:**

- **EL** noted that the CNS requires all Contracting Parties to have regulatory bodies; at EU level we have to make sure that the countries that have nuclear installations have an appropriate regulatory body.
- **AT** noted that the CNS obliges all Contracting Parties to establish independent regulatory authorities – effectively separated bodies - but only within the scope of the Convention; the scope of the CNS is extremely narrow, applicable to nuclear power plants only; therefore at least all Member States operating a nuclear facility need to establish the appropriate legal and regulatory framework; agrees to use the definition of the nuclear facility proposed by FR.
- **BE** pointed out that the right of Member States to go further than the provisions of the Directive has to be recognised, but the compatibly with the Directive needs to be ensured. The **Chairman** agreed that this aspect needs to be properly reflected.

(v) On **Article 4 (Regulatory bodies)**:

- **Paragraph 1:** **PL** proposed the replacement of the word “*created*” should with the wording “in/of each Member State”
- **Paragraph 3:** **FI** considered that the wording of the last phrase of this paragraph gives the wrong impression that the safety authority is responsible for implementation; the wording should be therefore revised; the definition and tasks of the regulatory body should be in line.
- **General comments:**
  - **FR** noted that it is a very difficult article in terms of defining the independence of the regulatory body.
  - **ES** pointed out that from the text it would appear that the regulatory body issues licences, which is not in line with the situation in ES; the definition of “*regulatory body*” agreed upon in the context of the initial nuclear package should be used. **FI** supported ES opinion on regulatory body definition. **UK** considered that the principle of effective separation should be adhered to; this would solve the concerns expressed by ES and FI. **ES** suggested that the problem can be very simply resolved if in the first phrase, a reference to independence in terms of aspects related to nuclear safety is included; the CNS definition of “*regulatory body*” is appropriate.
  - **SE** suggested using the definition of “*regulatory body*” of the new draft IAEA safety requirements on governmental and regulatory framework of safety; the regulatory body should be effectively independent from any organization involved in promotion and operation of facilities and activities, and free from any undue pressure which may be contradictory to safety.
  - **PL** considered that the concept “*regulatory body*” has already been defined in the Article on definitions; supported the FR written remarks proposing regular peer-reviews.

(vi) **FR** proposed **Article 4bis** on transparency before Article 5. The **Chairman** agreed with the FR proposal to introduce an article on transparency. **UK** and **AT** supported this proposal.

(vii) On **Article 5 (Safety requirements and regulations for nuclear installations)**:

- **Paragraph 1:** **IE** considered that it is necessary to clarify the meaning of CNS fundamental principles; noted that some of the requirements of the CNS are considered to be outdated. **SE** proposed that in the first phrase of paragraph 1 the reference to the CNS should be replaced with the IAEA Safety fundamental principles. **UK** proposed that the IAEA safety fundamental principles should be used; some references to the CNS and to the Joint Convention, which refer rather to obligations and requirements than to principles, should also be made. **DK** supports all comments related with the IAEA Safety Fundamentals.
- **Paragraph 2, 3 and 4:** FR proposed their deletion. **SE**, **UK**, **AT** supported this proposal.



- **General comments:**
  - **AT** noted that the text should not include dynamic references; if the IAEA Safety Fundamentals are taken into account, there needs to be a specific edition mentioned, whose text should be included in the Annex. The **Chairman** seconded **AT** comments. **FR** proposed to refer to the IAEA document SF-1/2006. **DK** supported the comments related to the precise reference.
  - **IE** noted the work already carried out by the IAEA (on definitions, role of regulatory body, safety fundamentals), to which all Member States have actively participated.
- **Commission position:** The **Commission representative** noted the position on the deletion of paragraphs 2, 3 and 4 which will be referred to the Commission decision-makers fully explaining why ENSREG, WENRA and ENEF advocate not to include the WENRA safety levels in the Directive; the Commission will reflect if there is a justification to maintain the dynamics for a further improvement of the situation; in particular having in mind new build; on the precise wording, the Commission has taken note of the comments expressed (in respect to the CNS, IAEA, the reference to CNS obligations and finding the most appropriate wording in order to base the text on the most solid and modern approach).

(viii) On **Article 6 (Obligations of licence holders):**

- **Paragraph 1:** **UK** suggested its deletion.
- **Paragraph 2:** **UK** noted that the reference to "*quality assurance programmes*" is outdated; the Safety Fundamentals include a wider definition on leadership and management for safety.
- **General comments:**
  - **FI** suggested adding the concepts of design and construction.
  - **EL** considers that this Article is not necessary, as it is already included in the IAEA Safety Fundamentals and in the obligations of the two IAEA conventions.
  - **NL** noted that a reference to the obligation of the licence holder to operate as safe as reasonably achievable should be also included.
  - The **Chairman** concluded that Article 6 needs to be reworded and reconsidered.

(ix) On **Article 7 (Inspections):**

- **Paragraph 1:** **IT** proposed the deletion of the wording "*after decommissioning*". The **Chairman** agreed **IT** remark comment, also mentioned in his written comments. **LV** proposes the deletion of the word "*national*".
- **General comments:**
  - **UK** noted that the scope of this Article is not broad enough; it should cover assessment, investigation, enforcement and control. **NL** suggested that the word "supervision" could be used. **IT** supported the **UK** position.

(x) On **Article 8 (Financial resources):**

- **PL** disagreed to the reference to the role of the regulatory body to support the safety of nuclear installations. The **Chairman** considers that this Article is redundant, as a reference to the obligation of ensuring adequate resources is already included in Article 4. **UK** considered that it is preferable to use the syntagm "fulfil regulatory duties" instead of "*support*". **ES** noted that Article 8 is not necessary and its provisions could be included in Article 9, even though Article 4 already covers its scope.

(xi) On **Article 9 (Nuclear safety expertise)**:

- **DE** proposed the removal of the reference to "*Member States*". The **Chairman** noted that Article 9 is a useful provision, but difficult to enforce. **UK** agrees with previous comments; considered that the Article should reflect the fact that Member States should do all they can to ensure the suitable supply of qualified experienced people to fulfil the obligations of the Directive. **DE** supported the UK opinion; the reference to Member States would imply state responsibility; the responsibility to guarantee the staff availability belongs to the operator. **UK** noted that the Article should focus on the Member States' obligations on the educational system.

(xii) **FR** suggested an additional **Article 9bis** that refers to the role of ENSREG for the implementation of the Directive. **UK** did not agree with the FR proposal to include a separate Article on the Group in the Directive. **IT** agreed with the aim of the FR proposal; expresses doubts on whether the reference should be included in the Directive; if an Article on the role of the Group is included, it will have to be transposed by the Member States in their national legislation. **NL** suggested referring in the Preamble to the role of ENSREG by mentioning the Council Conclusions and not to the Commission Decision

(xiii) On **Article 10 (Transposition)**: **FR** proposed that this article could include a reference to the right of Member States to set up more stringent requirements.

(xiv) **DE** suggested including a separate Article on the right of each Member State to set out more stringent measures than those given in the Directive.

(xv) **ES** proposed an Article on emergency situations, including the obligation of Member States to define emergency plans. **PL** considers that Article 5 already covers emergency situations.