

Luxembourg, 27 January 2009
HLG_M(2009-07)_Final

Final minutes of the 7th meeting of ENSREG

15 January 2009, 9:30 – 15:00

Albert Borschette, Brussels

Participants

Related document¹: list of representatives from the Member States and Observers (HLG_p(2009-07)_15)

All EU Member States as well as the European Commission, with exception of Latvia, Malta and the Netherlands, were represented.

Mr Caruso (Head of Regulatory Activities Section, Department of Nuclear Safety and Security, IAEA), Mr Decaestecker (Head of Division for Energy and Atomic Questions, Council) and Ms Rasa (Cabinet of the Commissioner for Energy) attended the meeting as observers.

1. Adoption of the agenda

Related document: adopted agenda by the Members (HLG_A(2009-07)_Final).

The agenda was adopted without changes.

2. Adoption of the draft minutes of the previous meetings (15.10.2008 and 07.11.2008)

Related document: adopted minutes (HLG_M(2008-05)_Final and HLG_M(2008-06)_Final).

The minutes were adopted, taking into account UK, ES, LT and PT proposed modifications.

3. Discussion on the proposal of the Nuclear Safety Directive

Related documents:

- Transmission of the adopted Directive on Nuclear Safety by the Commission (HLG_r(2009-07)_49)
- Revised draft Directive on Nuclear Safety by the Council (HLG_r(2009-07)_50)
- CZ Presidency proposal for draft conclusions on Nuclear Safety Directive (HLG_r(2009-07)_54.v1)

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

Mr Krs, who will chair the Council's Atomic Questions Group (AQG) on behalf of the Czech Presidency, gave a debriefing of the ongoing discussions at the Council on the Commission's proposal for a Directive on Nuclear Safety and pointed out that according to the Presidency, the draft Directive needs a safety objective and a revised structure. The Presidency asked whether ENSREG would agree with the main ideas put forward in HLG_r(2009-07)_54.v1. He also reminded that ENSREG opinion would be taken into account during Council discussions.

The Czech Presidency proposal focused on five main issues:

- structure of the directive
- definition of safety objective
- requirements related to international peer reviews
- consideration of the inclusion of "new reactors"
- referencing of IAEA and WENRA documents.

Members were generally supportive to revise the structure of the proposed Directive. Some Members asked clarifications about the ENSREG role and contributions while the Directive proposal is discussed at AQG.

Mr Krs reported that he was finalising his proposal for a new structure of the directive that he intended to transmit to AQG shortly, and afterwards also to ENSREG.

The Commission, from its side, thanked the Members for their contributions at the extraordinary meeting in November that helped to submit a text reflecting most of the suggestions received. The Commission also thanked the IAEA for the collaboration.

Main agreement: the Group reached following consensus: *“ENSREG was informed by the Czech Presidency of the European Union about their ideas on how to go forward with the nuclear safety directive. Their proposal was explained in details. Most ENSREG representatives have supported the idea behind this proposal to be put forward to the Council's Atomic Questions Group. ENSREG is looking forward to receiving feedback from the Atomic Questions Group. ENSREG would welcome the opportunity to comment in detail on the text.”*

4. Review of working programme progression and initialization of the ENSREG report to the European Parliament and European Council

The Group discussed about preparation of the first report to the Parliament and the Council.

Action: it was agreed that WG3 (Transparency subgroup) will draft a structure for a report and send it to the ENSREG Members by end of February, for their approval at the next ENSREG meeting in April.

4.1 WG 1 – subgroup on Nuclear Safety

Related documents: presentation of Mr Weightman (HLG_r(2009-07)_55)

Mr Weightman, Chair of WG1, made a presentation on activities undertaken by WG1 working groups dealing with 1) the Convention on Nuclear Safety, 2) the National Arrangements for Regulating Nuclear Safety, 3) the Pros and Cons of the EC Directive or other instruments covering Nuclear Safety.

It was suggested that WG1 could establish "good practices" for the nuclear safety areas that are common within EU. However, attention was attracted on the difficulty to set up such good practices due to specific concerns in different countries. Similar problems have been also met by WG2 (subgroup on radioactive waste management). The Group agreed that a close cooperation should be established between its three subgroups to find a way how to tackle this issue.

Main agreements: WG1 should continue its work and finalise the pros and cons report; close cooperation between ENSREG subgroups should be supported.

4.2 WG2- subgroup on improving spent fuel, radioactive waste, management and decommissioning arrangements

Related documents:

- Identification and enhanced use of best practices (HLG_r(2009-07)_52)
- International peer reviews and regulatory effectiveness (HLG_r(2009-07)_53)
- Council resolution on Spent Fuel and radioactive waste management (HLG_r(2009-07)_51)
- Mr Vincent's presentation (HLG_r(2009-07)_56)

Mr Vincent, Chair of WG2, presented two new reports prepared by his Group:

- Identification and enhanced use of Best Practices in the context of continuous improvement of Waste Safety in the EU countries;
- International Peer Reviews and Regulatory Effectiveness.

He also informed that previous reports² produced by WG2 were in line with the recently adopted Council resolution on Spent Fuel and Radioactive Waste Management (17.12.2008).

UK mentioned that publication of peer reviews can present risks in terms of possible interruption of learning process, should this be done too early. Mr Vincent underlined the need of transparency in order to facilitate implementation of the best practices.

4.3 WG3- subgroup on improvements on Transparency Arrangements

Related documents: Ms McGarry's presentation (HLG_r(2009-07)_57)

Ms McGarry, Chair of WG3, presented progress made by her working group. She informed that a front page about ENSREG will be sent to the Commission within two weeks and that specifications for ENSREG website are for finalisation at the WG3 meeting in February. Work is also ongoing for the review of the EU and International legal framework in transparency matters as well as for the review of international best practices and development of guidelines in this domain, in cooperation with the NEA Committee on Nuclear Regulatory Activities (CNRA), developing similar guidelines.

PL raised concerns about possible overlapping of work by WG3 and CNRA, reminding also that these bodies do not include the same Members.

Action: WG3 to send to the Commission the material for ENSREG website front page by end of January and the website technical specifications once agreed at WG3 meeting on 25 February.

5. Discussion about the information from ENSREG to be provided to the public

The issue was scheduled on the Agenda, at the request of the Commission Members, following several requests from the public to have access to ENSREG documents and, in particular, the minutes of meetings within a shorter timeframe. These requests are legitimate in accordance with "Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents"³.

The Commission Members suggested some possible solutions on how to respect public's requests. One of solutions was to speed up the process of the approval of the minutes (ENSREG adopted rules of procedure made possible publication of the minutes only once adopted by the Group at its following meeting, which sometimes was after few months). Members were divided about this solution, mostly because of its practical implementation in case of possible

² 1) Guidelines for the content and objectives of national programmes for the management and the safety of radioactive waste and spent fuel; 2) Identification of difficulties and challenges for progress in spent fuel and high-level waste management; 3) Better use of Joint Convention in the European Union.

³ OJ L 145 of 31.5.2001, p. 43

disagreements. A discussion took place on whether this would necessitate changing format of the minutes. Few concerns were also raised whether the minutes should be public at all, and if so, whether they should be drafted for the benefit of Members or as a tool for the public at large.

Main agreements:

- Public statement: within few days following each meeting, the Chair, helped by the Secretariat, will prepare a public statement. This statement will be published under the CIRCA website (http://circa.europa.eu/Public/irc/tren/nuclear_safety_and_waste/home).
- Procedure for adopting the minutes: Minutes will keep their current format. They will be adopted as follows: once the Chair approved the draft minutes, the Secretariat will distribute them to the Members for their comments within two weeks. After this time and under the responsibility of the Chair, the minutes will be considered as approved. However, should there be a request for changes which are considered as substantial, the Chair can stop the process, reiterate his request for comments or delay the approval until the next meeting, as it may be the case.

The approved minutes will continue to be published under the public part of the ENSREG website.

6. Information about the next meetings

Main agreements:

- Next meetings will take place on 15 April and 2 July.
- 15 April meeting should be devoted to the finalisation of the work of the groups and preparation of the report to the EP and the Council.
- 2 July meeting: finalisation of the mentioned report to the EP and the Council.

7. Any other business

The Chair informed about his planned meeting with the European Nuclear Energy Forum work group on risks and opportunities on 2 February. He will be accompanied by Chairs of ENSREG subgroups and Ms Drabova (CZ).

The Commission informed that it receives regularly requests from DG ELARG for the technical support from nuclear experts of the regulatory authorities or Ministries of the Member States, in the framework of preparations of the new Member States accession to the EU. The experts would be reimbursed their travel expenses and allowances. Should anybody be interested in that matter, the Commission can communicate his/her name to the DG ELARG that will take a direct contact with the interested person(s).