

Final minutes of the 11th meeting of ENSREG

15 January 2010, 9:00 – 17:00
Charlemagne Building, Brussels

Participants

Related document¹: List of representatives from the Member States and Observers (HLG_p(2010-11)_41)

All EU Member States, as well as the European Commission, with the exception of Estonia, Greece, Latvia, Malta, Poland were represented.

Mr Jamet (Director of the Division of Nuclear Installation Safety at the IAEA) and **Mr Mattson (Radiation Protection Authority of Norway)** attended the meeting as observers.

Mr Schmocker (Director of the Swiss Federal Nuclear Safety Inspectorate), **Mr Schwarz (Deputy Director of the Swiss Federal Nuclear Safety Inspectorate)** and **Mr Decaestecker (Head of Unit in the Secretariat General of the Council)** apologized about their absence.

1. Introductory address by the ENSREG Chairperson

Mr Stritar, Chairperson of ENSREG, announced that the dedicated ENSREG website² went live on 11 January 2010.

Mr Stritar welcomed three new ENSREG Members: **Mr Lodewijk van Aernsbergen** (Deputy Head of the Radiation Protection, Nuclear and Bio-safety Division of the Ministry of Housing, Spatial Planning and the Environment of Netherlands) to replace Ms Anneke van Limborgh, **Mr Gerald Hennenhöfer** (Director General Safety of Nuclear Installations, Radiological Protection, Nuclear Fuel Cycle in the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of Germany) to replace Mr Wolfgang Renneberg and **Mr. Tero Varjoranta** (Director of the Radiation and Nuclear Safety Authority of Finland) to replace Mr Riku Huttunen.

The participation of **Mr Jamet** (Director of the Division of Nuclear Installation Safety at the IAEA) and of **Mr Mattson** (Norwegian Radiation Protection Authority), as observers to the meeting, was also welcomed.

2. Adoption of the agenda

Related document:

- Adopted agenda (HLG_A(2010-11_Final)).

The Agenda was adopted with the following suggested inclusion:

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 www.ensreg.eu

- under "Any Other Business": presentation by the ES delegation of the plans of the current Spanish Presidency of the Council of the EU.

3. Election of the ENSREG Vice-Chairpersons

Mr Stritar announced that no alternative proposals for these positions, other than the current Vice-Chairpersons, Mr Weightman (UK) and Ms McGarry (IE), were received. **Ms Mc Garry** expressed her availability to continue in the function of Vice-Chairperson, but only for a one year term. **Mr Weightman** proposed to the Group to review the Vice-Chairpersons' mandates after one year, in order to avoid to simultaneously change the Chairmanship and the Vice-Chairmanship of the Group.

Main agreement:

- Unanimous re-election of the two current Vice-Chairpersons, Ms McGarry and Mr Weightman for a one year term.

Action:

- The ENSREG Rules of Procedures should be re-assessed and, eventually, amended accordingly in order to reflect the agreed consecutive rotation of the ENSREG Chairmanship and Vice-Chairmanship.

4. Progress made by the ENSREG Working Groups

4.1. WG1 (Nuclear Safety)

Related document:

- Notes of WG1 Meeting, 19-20 November 2009 (HLG_c(2010-11_28))

Mr Weightman reported that the Working Group focussed mainly on restructuring its Work Programme in the context of the Directive on the nuclear safety of nuclear installations³ (hereinafter referred to as 'Nuclear Safety Directive'), contributed to drafting the first orientations for the envisaged European Nuclear Safety Conference and organised a meeting with IAEA experts to examine the inter-relations between the IAEA Integrated Regulatory Review Service (IRRS) missions and the WG1 Work Programme in the framework of the requirements of the Nuclear Safety Directive.

4.2. WG2 (Radioactive waste management)

Related documents:

- WG2 discussion paper on the scope of a Directive on the management of radioactive waste and spent fuel (HLG_c(2010-11_29))
- Presentation of WG2 activities (HLG_c(2010-11_35))

Mr Varjoranta (FI) presented the activities of the Working Group (see HLG_c(2010-11_35)), namely the preparation of a seminar on the better use of the Joint Convention process in the EU (scheduled for the end of April 2010 in the framework of the Council Atomic Question Group (AQG)) and, particularly, the elaboration of a first proposal for possible content and elements of a Directive on the management of radioactive waste and spent fuel.

Following this presentation, an exchange of views was held. The **Commission representative (Mr Ristori)** informed the ENSREG plenary on the clear support expressed by the Commissioner-designate for energy, Mr Oettinger, during the hearing before the European Parliament, for adopting the highest standards for nuclear safety and radioactive waste management. Furthermore, on the future planning, subject to the final decision of the new Commissioner, the Commission proposal for a Directive on the management of radioactive waste and spent fuel could be expected to be adopted at the end of the first semester/beginning of the second semester of 2010. In response to several clarification requests, the **Commission representatives (Mr Ristori and Mr Faross)** explained the internal decision-making process leading to the adoption of an EU Directive on the management of

³ Council Directive 2009/71/EURATOM of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations: OJ L 172/18 of 02.07.2009

radioactive waste and spent fuel, informing the plenary on the ongoing Impact Assessment being prepared, on the consultations already initiated, as well as on the envisaged wide public consultation based on a specific questionnaire, whose results will be reflected in the final Impact Assessment Report. An indicative timetable of the work related with the preparation of the Impact Assessment was distributed.

ENSREG members expressed their appreciation for the first draft document put forward by WG2. During the discussions, some of the main issues identified concentrated on: the need to adopt a position on the scope of the Directive, to properly define radioactive waste, to ensure coherence with other international instruments and with the Nuclear Safety Directive, to perform systematic checks against the international standards, to clarify the reporting requirements particularly in connection with other related reporting requirements under the IAEA Conventions, to define the link between the peer-reviews and the Joint Convention process. Other identified aspects were related with decommissioning financing and military waste.

Mr Jamet (IAEA) expressed the Agency's availability to provide, if needed during the drafting process, assistance for consistency review against the safety standards and the Joint Convention.

Main agreement:

- On the scope of the Directive, ENSREG unanimously agreed that it should focus on the policy of management of radioactive waste and spent fuel.

Actions:

- ENSREG members to submit detailed comments and highlight open questions related to the first WG2 draft document by the middle of February 2010.
- Subsequently, WG2 to assess all received input and organise a meeting in the first half of March 2010 in order to finalise its proposal and submit it to the ENSREG April 2010 plenary for adoption.

4.3. WG3 (Transparency)

Ms McGarry presented the activities of the Working Group, mainly the recent launching of the dedicated ENSREG Website and the progress on the Guidelines for national regulators for transparency (envisaged to be finalised by the middle of 2010). The next WG3 meeting is scheduled for the end of February 2010.

Actions:

- ENSREG members to send comments to help improving the quality of the website, and contribute particularly to filling in the missing Section dedicated to Radioactive Waste.

5. Adoption of the ENSREG Work Programme for 2010-2011

5.1. Statement on ENSREG activities 2010-2011

Related document:

- Adopted statement on ENSREG activities 2010-2011 (HLG_p(2010-11_44))

Main agreement:

- ENSREG approved, with minor amendments, the Statement on ENSREG activities 2010-2011.

5.2. WG1 (Nuclear Safety)

Related documents:

- Notes of WG1 Meeting, 19-20 November 2009 (HLG_c(2010-11_28))
- Presentation of the WG1 activities (HLG_c(2010-11_36))

Messrs Weightman and Addison (UK) made a presentation of the draft revised WG1 Work Programme that proposes the setting up of three Sub-Groups dealing with the format and guidance for the Member States' reports, the self-assessment guidance and with scheduling and resourcing

self-assessments and peer reviews under the Nuclear Safety Directive. Several decisions related to the three topical issues to be addressed by the Sub-groups requiring timely action were also proposed for adoption by ENSREG; the decisions related with the third topic (*n.b.* scheduling and resourcing of self-assessments and peer-reviews) are also connected with the results of the WG1 meeting with IAEA experts of 11-12 January 2010 (see HLG_c(2010-11_36).

Mr Jamet presented a proposal of a programme to be performed by the IAEA in the frame of an EU/IAEA cooperation. During the discussions, several issues were identified: the finalisation of the IAEA self-assessment guidance, the additional human resources needed by the IAEA, the relation between the IRRS and the Convention on Nuclear Safety, the scope of IRRS missions, the need for a graded approach.

Main agreements/Actions:

Draft revised Work Programme

- Decision 1 - ENSREG agreed with the revised programmes and proposed three Sub-groups, as set down in the Notes of ENSREG WG1 Meeting of 19-20 November - Annex 2 (HLG_c(2010-11_28).

Sub-group A - Format and Guidance for Member States' Reports

- Decision 2 - ENSREG agreed with the proposed work programme, the proposed timescales and to the main objectives for the Member States' Reports.

Sub-group B - Self-assessment guidance

- Decision 3 - ENSREG agreed with the justification for using the IAEA self-assessment guidance, the proposed work programme and with the proposed timescales.

Sub-group C - Scheduling and resourcing of self-assessments and peer reviews

- Decision 4 - ENSREG agreed that, to satisfactorily meet both the obligations and spirit of Article 9(3) of the Nuclear Safety Directive regarding international peer reviews, to continuously improve nuclear safety, the best way forward is the cooperation with the IAEA IRRS programme.
- Decision 5 - ENSREG agreed that it constitutes the most appropriate body to progress the development of the peer review programme on Member States' behalf.
- Decision 6 - ENSREG encouraged the Commission to actively progress with the IAEA the provision of the funding for additional in-house senior professional resources to implement an overall programme of EU IRRS missions on behalf of the EU.

(The **Commission representative (Mr Ristori)** explained that the Commission takes note of this Decision but can not financially commit at the moment, as the annual 2010 budget was already approved).

- Decision 7- ENSREG delegated responsibility to WG1 for progressing the work related with the development of an overall programme of EU IRRS missions that fits into the wider international commitments of the IAEA for IRRS missions elsewhere and with identifying (by the IAEA with EU Member States' representatives) what elements of a standard IRRS mission constitute a minimum set and, as a corollary, whether there needs to be any additional 'European' element that needs to be added to an IRRS mission to satisfy the Nuclear Safety Directive's obligations.

(**Mr Weightman** offered for WGNS to develop (if required) guidance on what needs to be done for different sizes of regulatory/nuclear/non-nuclear programmes to create a coherent and graded approach).

- Decision 8 - ENSREG agreed that a small coordination group from WG1 provide the contact point required by IAEA for facilitating and progress the work presented in Decision 7 (Proposed group could be headed by WGNS Sub-group C).

- Decision 9: ENSREG agreed for members to progress with the consequential actions below, providing responses to the coordination group by end March 2010:
 - provide confirmation which types of nuclear installations, as defined in the Nuclear Safety Directive, apply for the Member State they represent in ENSREG – to enable the scope of future IRRS missions, and associated resource commitments, to be identified;
 - provide a preliminary view on which year, in the 10 years after the Nuclear Safety Directive comes into force (July 2011), it would be most appropriate to have an IRRS mission in their Member State, including the timing of self-assessments and subsequent follow-up missions – together with any justification or reasoning where applicable;
 - provide preliminary information on the planned scope of the missions (e.g. full or reduced scope; and, in the case of reduced scope, the topics (modules) and facilities to be included);
 - provide preliminary confirmation that their Member State accepts the need for IRRS missions to be adequately funded and resourced. (Noting that the estimated cost of a full scope mission is approximately 100,000 Euros).
- Decision 10: ENSREG agreed that WG1 continues this function until such time as IAEA can provide a comparable service.

5.2. WG2 (Radioactive Waste)

Mr Varjoranta explained that WG2 concentrated its efforts in particular to elaborating the proposal for possible content and elements of a Directive on the management of radioactive waste and spent fuel. Consequently to the adoption of the Directive, WG2 will focus on the implementation of this piece of legislation. Another activity will consist in the planned seminar on the better use of the Joint Convention process at EU level.

Action:

- WG2 to prepare the Work Programme for 2010-2011 until the next ENSREG meeting of April 2010.

5.3. WG3 (Transparency)

Related documents:

- Draft Work Programme of WG3 for 2010-2011 (HLG_c(2010-11_30)
- Presentation of the draft Work Programme of WG3 for 2010-2011 (HLG_c(2010-11_37)

Ms Mc Garry made a presentation of the proposed Work Programme for 2010 – 2011 (see HLG_c(2010-11_37). An open invitation for WG3 membership was also initiated.

Main agreement

- WG3 Work Programme for 2010-2011 was unanimously adopted by ENSREG:

5.4. Consolidation of the ENSREG Work Programme

Action:

- ENSREG Secretariat and the Working Groups to consolidate the ENSREG Work Programme in one single document.

6. European Conference on Nuclear Safety

Related document:

- Main conclusions of the first preparatory meeting on the European Conference on Nuclear Safety (HLG_c(2010-11_31)
- Proposal for contribution to seminar expenses (HLG_c(2010-11_32)
- Possible in-kind contribution from the European Commission to the European Conference on Nuclear Safety (HLG_c(2010-11_33)

- Presentation on the preliminary ideas on the frame and decisions to take on the European Conference on Nuclear Safety (HLG_c(2010-11_34))

Mr Pouleur (BE) made a presentation on the first identified orientations for the European Conference on Nuclear Safety (see HLG_c(2010-11_34)).

Main agreements:

- **Mrs. Martínez Ten (ES)** was elected Chairperson of the first European Conference on Nuclear Safety;
 - **Mr Pouleur** was elected Chairperson of the Steering Committee for the Conference;
 - The Steering Committee will be composed of the members of the existing Task Force and Ms McGarry on behalf of WG3;
 - By the next ENSREG April 2010 plenary, the Steering Committee was invited to propose the necessary next steps;
 - The Steering Committee to review the financing aspects, without excluding the introduction of a Conference participation fee.
- 7. Election of the ENSREG Chairs of the three Working Groups based on the outcome of the ENSREG Work Programme**

Main agreements:

- Similarly to the ENSREG Vice-Chairpersons, the Chairs of the three ENSREG Working Groups, Mr Weightman, Mr Varjoranta and Ms McGarry were also re-appointed for a one year term.

8. Any other business

8.1. ES delegation presentation

Mr Arana Landa made a detailed presentation of the priorities of the ongoing Spanish Presidency of the Council of the EU. Three fundamental priorities can be identified:

- Cooperation activities of Euratom with third countries (negotiation of Euratom agreements with Canada and Russia – AQG to be informed; encouraging cooperation with Australia and South Africa);
- Regulatory activities (Commission proposal for a Regulation establishing a Community system for registration of carriers of radioactive material; Euratom Report for the fifth review meeting of the Convention on Nuclear Safety);
- Other activities (the envisaged Directive on the management of radioactive waste and spent fuel – Mr Varjoranta is invited to present WG2 views to the AQG; the review of the Non-Proliferation Treaty in May 2010 – the AQG to be informed on the progress of the review meeting; the distributed Report on civil liability for nuclear damage – the group of consultants is invited to present the main conclusions of the Report to the AQG; integrated safeguards – the AQG to be informed; the presentation of the final Report on nuclear safety in Ukraine in February 2010 - to be presented in the AQG).

8.2. FR delegation announcement

Mr Lacoste informed ENSREG on the work of the Heads of European Radiation Control Activities (HERCA), highlighting the importance of a high hierarchical representation in the Group. The **Commission representative (Mr Ristori)** informed ENSREG on the envisaged Commission Communication on nuclear medicine and radioisotopes.

9. Information on the next meetings

The two next ENSREG meetings are planned on 20 April 2010 and (tentatively) 6 July 2010.