

**MINUTES OF THE 23RD MEETING OF THE
EUROPEAN NUCLEAR SAFETY REGULATORS GROUP (ENSREG)
6 March 2013
Brussels**

PARTICIPATION

ENSREG Members and experts from AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, LT, LU, NL, PL, PT, RO, SE, SI, UK, as well as from the European Commission (EC), participated at the meeting. ENSREG Observers from Switzerland and the International Atomic Energy Agency (IAEA) were also present.

1. INTRODUCTORY ADDRESS

- Agenda point 1

1.1. The 23rd ENSREG meeting was chaired by Mr Petr Krs (CZ), ENSREG Vice-Chairperson, replacing the ENSREG Chairperson.

1.2. The ENSREG Vice-Chairperson opened the meeting, welcomed the participants and introduced two new ENSREG Members:

- a) Dr Kristóf Horváth (HU), Deputy Director General, Hungarian Atomic Energy Authority
 - b) Mr Leslie Philpott (UK), Director of Finance and Corporate Services, Office for Nuclear Regulation.
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2. ADOPTION OF THE AGENDA

- Agenda point 2
- Reference document:
 1. Draft Agenda 23rd ENSREG meeting

2.1. The draft Agenda of the meeting was adopted without any amendments.

3. PRESENTATION ON DESIGN PRE-LICENCING

- Agenda point 3
- Reference documents:
 1. HLG_r(2012-21)_145 - WG Risks / WG Opportunities "European Reactor Design Acceptance (ERDA)" Core Group - Roadmap Towards European Reactor Design Acceptance
 2. HLG_r(2013-23)_186 - Roadmap towards European Reactor Design Acceptance - presentation (main version)

3. HLG_r(2013-23)_187 - Roadmap towards European Reactor Design Acceptance - presentation (short version)

3.1. Proceedings

- 3.1.1. ENSREG was given a presentation on the *Roadmap towards European Reactor Design Acceptance*, delivered by Messrs Bernard Fourest and Christian Raetzke, Chairs of the ENEF WG Risks / WG Opportunities European Reactor Design Acceptance (ERDA) Core Group.
- 3.1.2. This presentation was followed by an exchange of views with the ENSREG Members, during which several issues were raised e.g. the identification of the standards on which the design assessment should be based, the mechanism of selecting the design, the costs and benefits assessment underlying the proposal.

3.2. Conclusions/actions

- 3.2.1. ENSREG concluded that the way of further cooperating with the ERDA Core Group should be decided by the ENSREG Chairperson in consultation with ENSREG.

4. ENSREG POSITION ON THE REVISED NUCLEAR SAFETY DIRECTIVE

- Agenda point 4
- Reference documents:
 1. HLG_r(2013-22)_171 - draft Council Directive amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations (v. 28.12.2012)
 2. HLG_r(2013-23)_191 - ENSREG Ad-hoc Working Group on EC proposal for new Nuclear Safety Directive, replacing Community framework for the nuclear safety of nuclear installations (2009/71/Euratom) - Summary Report
 3. HLG_r(2013-23)_192 - Attachment 1 - Suggestion for amendments of ENSREG principles
 4. HLG_r(2013-23)_193 - Attachment 2 - Alternative proposals
 5. HLG_r(2013-23)_194 - Attachment 3 - Reflections from the Arlanda meeting February 4-5, 2013 on the EC draft Nuclear Safety Directive

4.1. Background

- 4.1.1. At the 22nd ENSREG meeting of 23 January 2013, ENSREG agreed to set up an Ad Hoc Working Group (AHWG) to suggest improvements on the draft legislative text for an amendment of the *Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations* (Nuclear Safety Directive), developed by the EC services. Mr Friedrik Hassel (SE) was appointed Chair of the AHWG.
- 4.1.2. The AHWG held two meetings in the course of February 2013 (4-5 February and 28 February 2013) and submitted the outcome of its activity for the consideration of ENSREG for this 23rd ENSREG meeting.

4.2. Proceedings

- 4.2.1. The discussion was introduced by the AHWG Chair, who described the AHWG process and presented the documents submitted for the consideration of ENSREG, consisting in a Summary Report, accompanied by three attachments containing (i) suggestions for amendments of ENSREG principles; (ii) alternative wording for some provisions of the Directive focussing on 4 key topics i.e. competent regulatory

authority, safety objectives, transparency and peer-reviews; (iii) specific comments reflecting the discussions held at the first AHWG meeting.

- 4.2.2. An exchange of views between the ENSREG Members was held, focussing on the Summary Report elaborated by the AHWG. In general, the majority of the intervening ENSREG Members expressed support for the AHWG Summary Report. In addition, several detailed comments were expressed by ENSREG Members during the discussion, summarised below:
 - a) Expressed preference for an approach of laying down goal-setting (technical) nuclear safety objectives, associated with a peer-review mechanism and transparency requirements in the amended - legally-binding – Nuclear Safety Directive (BE, DE, FR, FI, SE)
 - b) Acknowledged the importance of going in the direction of harmonisation, the work of WENRA or IAEA being exemplified in this sense (BE, FR, SI)
 - c) Underlined the need of not transferring regulatory responsibilities from the national to the EC level (FI, BE, UK)
 - d) Called for the inclusion of appropriate provisions in the amended Nuclear Safety Directive, which would allow for a proportionate applicability of the legal requirements to those EU Member States which have only research reactors falling under the scope of the Directive, in line with the newly proposed ENSREG principle of following a graded approach with respect to the size of the hazard and risk being managed (EL, PT)
 - e) Recognised in general the importance of an effective peer-review mechanism (FR, IE, ES, PT); in this respect, several issues were pointed out, such as the need to make use of the existing peer-review arrangements in order to use existing resources judiciously (SI, ES) and the need to set out an appropriate periodicity for conducting the peer-reviews (FI, LU)
 - f) Supported the inclusion of decommissioning in the scope of the amendment, to encompass the final phase of reactor life-cycle (IT)
 - g) Requested to receive the inputs from other stakeholders such as from the open public consultation, the European Parliament, the European Economic and Social Committee, the Euratom Treaty Article 31 Group of scientific experts (AT, IE)
 - h) Highlighted the possibility of further developing the input on the amendment of the Nuclear Safety Directive, provided additional time is allotted for this purpose (AT, ES, FR).
- 4.2.3. In response, the EC Member Mr Peter Faross, expressed openness to continue the cooperation with ENSREG in the coming period, at least until the finalisation of the opinion of the Euratom Treaty Article 31 Group of scientific experts foreseen for end-March 2013. In terms of contents, he highlighted the importance of including in the legal text provisions on the concrete means of ensuring the achievement of the safety objectives; the concept of establishing a mechanism for further developing harmonised safety standards is an important element that should be maintained and can be further worked upon.

4.3. Conclusions/actions

- 4.3.1. ENSREG endorsed the AHWG Summary Report as well as the 12 principles (Attachment 1), while attachments 2 and 3 received support in principle as a basis for

further work of AHWG to reflect this commitment. Further discussion was held with Commissioner Oettinger under Agenda point 5.

5. EXCHANGE OF VIEWS ON THE PROPOSED REVISED NUCLEAR SAFETY DIRECTIVE WITH COMMISSIONER OETTINGER

- Agenda point 5
- Reference documents: see Agenda point 4

5.1. Proceedings

- 5.1.1. The second part of the discussion was dedicated to a dialogue between ENSREG and Mr Günther Oettinger, Energy Commissioner. The Commissioner expressed his appreciation for the constructive approach demonstrated by ENSREG and presented the envisaged legislative revision, linking it to the wider context of nuclear energy policies in the EU and in the neighbouring countries. He encouraged the continuation of the cooperation with ENSREG and informed that the envisaged timeframe of having a draft legislative proposal adopted by the EC is before the European Council meeting of 22 May 2013, dedicated to energy issues.
- 5.1.2. This was followed by a further exchange, during which ENSREG Members discussed with the Commissioner their views on amending the Nuclear Safety Directive in areas such as the independence of the national competent regulatory authority, peer-reviews, technical matters covering the lifecycle of nuclear installations. Both sides showed flexibility and committed to continue the collaboration.
- 5.1.3. The need for additional time to further develop the proposal was reiterated by several ENSREG Members. The Commissioner confirmed the possibility to continue the work on the legislative text over the next weeks. He charged Mr. Faross with communicating to ENSREG the remaining time available for the consultation with the regulatory authorities.

5.2. Conclusions/actions

- 5.2.1. ENSREG agreed that the AHWG will continue its activity.
 - 5.2.2. The EC was requested to communicate to ENSREG a precise timeframe during which the work of AHWG should be pursued. Depending on this information, the next meetings of the AHWG and of ENSREG will be scheduled.
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6. PROGRESS MADE BY THE ENSREG WORKING GROUPS

6.1. WG1 PROGRESS REPORT

- Agenda point 6.1 and 6.1.1
- Reference documents:
 1. HLG_r(2013-22)_172 - ENSREG National Action Plans Workshop Terms of Reference
 2. HLG_r(2013-23)_183 - ENSREG National Action Plans Workshop – draft Template for The Rapporteurs' Reports
 3. HLG_r(2013-23)_184 - ENSREG National Action Plans Workshop – draft Structure of the Summary Report
 4. HLG_r(2013-23)_196 - ENSREG National Action Plans workshop – draft Agenda

6.1.1. Proceedings

- 6.1.1.1. The Chair of Working Group 1 on Nuclear Safety (ENSREG/WG1), Mr Hartmut Klonk (DE), reported on the progress of the ENSREG/WG1 activity, focussing on the preparation of the ENSREG National Action Plans Workshop (Workshop) of 22-26 April 2013. Note: The Chair of ENSREG/WG1 is also President of the Workshop.
- 6.1.1.2. The presentation recalled the documents submitted to ENSREG for this meeting and informed of the status of the organisational and planning activities. Several open issues were identified, for which ENSREG positions were requested (see point 6.1.2)

6.1.2. Conclusions/actions

- 6.1.2.1. ENSREG took note of the draft *Workshop Agenda* and agreed to remove the press conference from the schedule of the fifth day of the event, 26 April 2013. In this respect, the Chair of Working Group 3 on Transparency (ENSREG/WG3), Mr Andreas Molin (AT), informed that the working paper *Transparency of "Peer Review of National Action Plans"*, previously endorsed by ENSREG via a written procedure, will have to be amended accordingly, so as to reflect this newly-introduced change in the draft *Workshop Agenda*. This amendment was authorised by ENSREG.
- 6.1.2.2. ENSREG took note of the status of the nominations of Rapporteurs, namely that 9 nominations out of the required total of 12 were received by 6 March 2013. ENSREG agreed that the 3 nominations still missing should remain under the decision of the Workshop President.
- 6.1.2.3. ENSREG agreed with the proposal of opening the participation of Observers to the Workshop.

6.2. WG2 PROGRESS REPORT

- Agenda points 6.2 and 6.2.1.
- Reference documents:
 1. HLG_r(2013-23)_185 – WG2 Chair letter to IAEA
 2. HLG_r(2013-23)_188 - Draft ENSREG Guidelines regarding Member States Reports as required under Article 14.1 of Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste
 3. HLG_r(2013-23)_189 - Explanatory Note for proposed draft ENSREG Guidelines
 4. HLG_r(2013-23)_190 - Cover Note for proposed draft ENSREG Guidelines
 5. HLG_r(2013-23)_195 - WG2 Report on progress to ENSREG

6.2.1. Proceedings

- 6.2.1.1. The Chair of Working Group 2 on Waste Management (ENSREG/WG2), Mr Bengt Hedberg (SE), reported on the progress of the ENSREG/WG2 activity, focussing on the issue of the format and guidance for Member States Reports under Art. 14(1) of the *Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste* and on the issue of self-assessments and peer-reviews under Art. 14(3) of the same Directive.

- 6.2.1.2. In this context, several items were identified and put forward for the consideration and agreement of ENSREG (see point 6.2.2.)

6.2.2. Conclusions/actions

Format and guidance for Member States' Reports

- 6.2.2.1. ENSREG initiated a silence procedure (deadline 13 March 2013) for the endorsement of the draft ENSREG/WG2 document "*ENSREG Guidelines regarding Member States Reports as required under Article 14.1 of Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste*". The EC Member suggested that the draft Guidelines should be improved in order to reflect the importance of the ultimate financial responsibility of States, laid out in the said Directive.
- 6.2.2.2. ENSREG agreed with launching the process of identifying three volunteer Member States for the trial use of the draft Guidelines, by the next ENSREG meeting.
- 6.2.2.3. The Chair of ENSREG/WG3 recommended that, for those countries which will engage in the trial report, the 2011 document "*Principles of openness and transparency*" and the 2009 working paper on "*Current Community and international law with relevance to transparency*" could provide some additional guidance.

Self-assessments and peer-reviews

- 6.2.2.4. ENSREG expressed its preference for a simplified system of using one Integrated Regulatory Review System (IRRS) mission to cover the requirements of both Directive 2009/71/Euratom and Directive 2011/70/Euratom, as proposed by the IAEA Observer.

7. ANY OTHER BUSINESS

7.1. PEER-REVIEW OF THE TURKISH STRESS TESTS REPORT

- Agenda point 7.1.

7.1.1. Proceedings

- 7.1.1.1. The EC Member informed ENSREG that the Stress Test Report of Turkey was finalised in 2012 and submitted to the EC and that Turkey is currently awaiting for a peer review exercise to be conducted.

7.1.2. Conclusions/actions

- 7.1.2.1. ENSREG agreed that an appropriate peer-review team and mechanism will be established, under the coordination of the Chair of ENSREG/WG1.

7.2. PEER-REVIEW OF THE TAIWAN STRESS TESTS REPORT

7.2.1. Conclusions/actions

- 7.2.1.1. ENSREG recommended a direct dialogue between the ENSREG Secretariat and the Chair of ENSREG/WG1 for establishing the team for the peer-review exercise of the Stress Test Report of Taiwan (final Report expected for May 2013).

7.3. TERMS OF REFERENCE FOR THE SEPARATE ENSREG WORKING GROUP "WG INTERNATIONAL COOPERATION"

- Agenda point 7.3.

7.3.1. Proceedings

- 7.3.1.1. A discussion was held on the need to effectively set up the new Working Group on International Cooperation, with the participation of experts from EC/DG DEVCO.

7.3.2. Conclusions/actions

- 7.3.2.1. ENSREG agreed on a mechanism for identifying participants and starting the activity of the Working Group on International Cooperation, under the coordination of Mr Yvan Pouleur (BE). ENSREG should be informed of the progress at its next meeting and agree on the way forward.
 - 7.3.2.2 the group were also invited to come up with a final draft for the ToR of WGIC
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