

Transparency of “Stress Tests”

Working Paper

Transparency aspects in the implementation, reporting and follow-up of the "stress tests"

Background

The European Council of 24/25 March 2011 stressed that the safety of all EU nuclear plants should be reviewed, on the basis of a comprehensive and transparent risk and safety assessment ("stress tests"); ENSREG and the Commission were invited to develop the scope and modalities of these tests in a coordinated framework in the light of lessons learned from the accident in Japan and with the full involvement of Member States, making full use of available expertise (notably from WENRA); the outcome of the assessments and any necessary subsequent measures that will be taken should be shared with the Commission and within ENSREG and should be made public.

ENSREG and the Commission came to an agreement regarding the scope and modalities for a comprehensive risk and safety assessments of EU nuclear power plants in May 2011. According to Annex I of the “Declaration of ENSREG” national regulators had to initiate the process to perform the “stress tests” and their dissemination by sending requirements to the licensees on June 1, 2011, at the latest. Licensees had to provide a progress report to their regulators by August 15, 2011. This report must be reviewed by regulators till September 15, 2011. Furthermore, licensees have to provide a final report by October 31, 2011, that must be reviewed by regulators till December 31, 2011. These final reports will be subject to a peer review process. Reviews should start immediately when final reports become available. The peer reviews shall be completed by the end of April 2012. The Commission, with support of ENSREG, will present a progress report to the EU Council for the meeting scheduled on December 9, 2011, and a consolidated report to the EU Council for the meeting scheduled for June 2012.

Pursuant to the transparency section of the “Declaration of ENSREG” national regulatory authorities shall be guided by the principles for openness and transparency as adopted by ENSREG in February 2011. These principles shall also apply to the EU “stress tests”. The reports should be made available to the public in accordance with national legislation and international obligations, provided that this does not jeopardize other interests such as, inter alia, security, recognized in national legislation or international obligations. Results of peer reviews will be made public and should be discussed both in national and European public seminars, to which other stakeholders (from non-nuclear field, from non-governmental organizations, etc) would be invited. Full transparency but also an opportunity for public involvement will contribute to the EU “stress tests” being acknowledged by European citizens.

It is clear from the ENSREG Members that there is a great deal of public interest in the “stress tests”, their outcome and follow up. This is the first time that such an exercise has been undertaken at the European level and it is important that the communication of the process and its outcome enhances public understanding of nuclear safety regulators and their role.

Corresponding to the letter of the ENSREG chairman regarding the next steps in the process of “stress tests” implementation WGTA will make proposals on transparency aspects in the implementation, reporting and follow-up of the “stress tests”. At its September 29th, 2011,

meeting WGTA has finalized its proposals for eventual adoption by ENSREG in October 2011.

The following aspects regarding transparency of the “stress tests” should be addressed:

Publication of Reports

Annex I specifies that reports should be made available to the public making no difference between licensees or national reports. Regarding the peer review reports it is clearly specified, that they will be made public.

The national reports, the ENSREG report, including the peer review reports, and the reports to the EU Council will be published. In line with the principles for openness and transparency agreed by ENSREG all these documents should be drafted in plain language that is easy to understand.

In addition, information about the Stress Tests will be made available on a dedicated micro-site of the ENSREG website. The site will include information about the stress test process as well as the timetable for the availability of reports. National reports (both progress reports and final reports) will be made available as well as the ENSREG report, including the peer review reports, and the reports to the EU Council.

It is recommended that the licensees reports be published, provided that this does not jeopardize other interests such as, inter alia, security, recognized in national legislation or international obligations, in line with Annex I of the "Declaration of ENSREG".

Public Engagement concerning the Stress Tests

At the national level, regulators should consider how to engage the public by organizing a structured and comprehensive information process.

At the European level, stakeholders will be provided with the opportunity to engage in the Stress Tests.

As soon as the Peer Review Process begins, a period of two to three weeks will be allowed for the submission of suggestions to be dealt with by the Peer Review Process (public consultation). The time allowed should be as long as possible, taking account of the overall timetable for the Peer Review Process. The suggestions shall be submitted to the Secretariat of the Peer Review Process. This opportunity will be announced at the ENSREG web-site in advance and will be highlighted again. The suggestions shall not be answered individually but will be discussed in public seminars and taken into account globally in preparing the ENSREG report as well as the consolidated report to the EU Council.

In addition, the Board of the peer review process will meet with NGOs active in the field on European level, e.g. those which have been involved in the ENSREG Conference, as appropriate, but at least once. The timing of this engagement will be dependent of the overall timetable, but should be early enough in the process as to allow the discussion to be taken into account during the process.

Discussion of the Peer Review Results in National and European Public Seminars

The Peer Reviews are due to be completed by the end of April 2012 at the latest and the Commission, with support of the ENSREG, will present a consolidated report to the EU Council for the meeting tentatively scheduled for June 28/29, 2012. Seminars shall be organized after the completion of the Peer Review final report and, if possible, before the submission of the Commission's report to the European Council. The Commission is invited to organize a European public seminar, as needed with support by ENSREG. Inter alia, the seminar shall provide feedback regarding the suggestions made during the public consultation.

Seminars on national reports shall be organized by national regulators attended, on request, by a representative of the Board of the Peer Review Process.

Follow up to Stress Tests

The declaration of the EU Council in March 2011 stated that the outcome of the Stress Tests and “any necessary subsequent measures that will be taken [...] should be made public”. At this stage, it has not yet been agreed how the follow up to the outcome of the Stress Tests will be managed. However, it is important that consideration also be given to the transparency aspects of this process, ideally in parallel with the development of the process itself.

Process to address transparency

At present, the full details of all aspects of the Stress Test process have not yet been developed. In particular the details of the peer review process and the content of the reports have not been finally agreed. It is clear, however, that the timetable for the process is challenging and the level of public interest is high. To ensure consistency of approach and the best possible transparency at each stage, a small task force, mainly of WGTA members (similar to that established for the Nuclear Safety Conference) will be established to contribute to the development of the details from a transparency perspective. The task force shall also develop a communications plan for the Stress Tests.

It is proposed that this task force be led by a Communications Expert, appointed specifically to work on the project. The Communications Expert shall assist the Chair of the Peer Review Process and the review teams in all aspects of the communication and transparency of the “stress tests”.