



European High Level Group
on Nuclear Safety and Waste Management

Luxembourg, 25.04.2008
HLG_M(2008-03)_Final

Final minutes of the 3rd meeting of the High Level Group (HLG)

21 April 2008, 9:30 – 17:00
Palais Auersperg, Vienna

Participants

Related document¹: list of representatives from the Member States (HLG_p(2008-03)_9.v1)

The presence was ensured by Members of all EU Member States and the Commission.

New Members of the Group: **Ms Borbála Vajda (President of the National Commission for Nuclear Activities Control, Romania)** and **Mr Cyrille Vincent (Deputy Director at Ministry for Ecology, Sustainable Development and Spatial Planning, France)** (absence excused), in replacement of Mr Zsombori and Mr Chevet, respectively.

Mr Jamet (Director of the Division of Nuclear Installation Safety, IAEA) and **Mr Schwarz (Swiss Federal Nuclear Safety Inspectorate)** attended the meeting as observers.

1. Introductory address by Chairperson

Mr Stritar, Chairperson of HLG, expressed thanks on behalf of the Group to the **Austrian Ministry of Agriculture, Forestry, Environment and Water Management** as well as to the **Commission** for giving the possibility to hold this meeting in Vienna. Meeting room and lunch were offered by the Austrian Ministry; the Commission contributed to the rental of technical equipment. Special thanks were addressed to **Mr Molin** for his kind assistance to the HLG Secretariat.

Mr. Stritar informed the group about his recent meetings with the Commissioner Piebalgs as well as with Ms Jordan-Cizelj (MEP). He highlighted that Commissioner Piebalgs while supporting the HLG work, expects concrete outcomes. He underlined the strong interest and support of the European Parliament of having nuclear safety issues considered in a EU perspective. Similar requests for action were expressed by the "risk group" of the European Nuclear Forum.

Mr Stritar also invited Members to give more visibility to HLG future work, in view of the attention that the specialised press is giving to HLG work and its progress.

A debriefing was given about the last WENRA meeting by Ms Drabova. Discussions were held about the relation with the HLG work as well as about opening WENRA for participation of the EU non nuclear countries. This would contribute to improving transparency of WENRA work. The work on the harmonisation for reference level is progressing.

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

Main agreement:

- The invitation to one IAEA representative is extended to all meetings with Observer status.

2. Adoption of the agenda

Related document: adopted agenda by the Members (HLG_A(2008-03)_Final).

The agenda was adopted without changes.

3. Adoption of the draft minutes of the previous meeting (11.01.2008)

Related document: adopted minutes (HLG_M(2008-02)_Final).

Following an AT comment, the final version includes names of vice-chairs for HLG subgroups (WG).

4. Discussion of HLG work programme

Related documents:

- HLG introduction (HLG_r(2008-03)_7.v1)
- Nuclear safety elements (HLG_r(2008-03)_8.v1)
- WG1 – Improving nuclear safety arrangements (HLG_r(2008-03)_9.v1)
- WG2 – Improving spent fuel, radioactive waste, management and decommissioning arrangements (HLG_r(2008-03)_10.v1 and HLG_r(2008-03)_10.v2)
- WG3 – Improvements on Transparency Arrangements (HLG_r(2008-03)_11.v1 and HLG_r(2008-03)_11.v2)
- Experts of three HLG subgroups (HLG_r(2008-03)_13)

All three subgroups, created in January 2008, elaborated their draft work programmes. It was noticed that they were prepared with different level of consensus. The Group discussed separately each draft work programme.

4.1 WG3- Improvements on Transparency Arrangements

Ms McGarry, Chair of WG3, presented the main aspects of the draft work programme, pointing out creation of a HLG dedicated website, preparation of guidance for national nuclear regulators and review of the Eurobarometer surveys on nuclear issues to identify public feeling on transparency and access to nuclear safety information in the EU.

UK raised a point on the usefulness of consulting the public, arguing that this does not help to increase transparency of the regulatory process.

Most Members supported the idea of creating a HLG website. They would like to see it not only as a tool for informing about HLG activities, but also offering a regular overview about nuclear safety developments in each country. National best practices could be included in that part. **Mr Ristori, European Commission**, offered Commission's help both contributing to the content of the website and financial assistance.

The language issue was also raised: should the website be only in EN? How to make sure that technical language is translated in a language understandable by a simple citizen?

Main agreements:

- It should be made clear that HLG does not promote the use of nuclear energy, rather it consists of members who regulate its use.
- 4th bullet point of "Objectives": to replace words "instruments" and "feedback" by "ways" and "consult", respectively.

Action: The Chairperson urged WG3 to establish the website as soon as possible in order to give public recognition to the group.

4.2 WG2 - Improving spent fuel, radioactive waste, management and decommissioning arrangements

In the absence of **Mr Vincent, Chair of WG2**, **Mr Varjoranta (Vice-chair)** presented the outcome of the first WG2 meeting on 7 April and the draft work programme. Fifteen participants from ten Member States are part of that group. Mr Varjoranta pointed out the importance to get additional benefits from existing international contexts, and in particular from the process of the Joint Convention on the Safety of Spent Fuel and on the Safety of Radioactive Waste Management. He also informed that the group discussed an enhanced use of peer reviews, best practices and IAEA safety standards. One possible way to start would be to invite STUK to present the Finnish waste safety regulatory process and activities.

Members were generally satisfied with the proposed draft programme, adding a number of requests to specify or modify certain points, as follows:

- Objective 1- to identify elements, approaches and measures for a continuous improvement of the safe management of spent fuel and radioactive waste and of the decommissioning:
 - to avoid duplication with WENRA work. For that matter it is important to identify areas not covered yet by WENRA comparing with Joint Convention and other existing works recognised at European/International level.
 - no legal instruments should be introduced.
 - replacement of "common approaches" by "good practices". According to certain Members, common approaches could be understood as a reference to a possible EC directive in radioactive waste management field.
 - differing views were expressed about "promoting good practices". Another formulation was suggested and agreed by Members.
- Need to consider emergency situations.
- A timetable of milestones and deliverables needs to be added.

Main agreements:

- Overall agreement with Objectives 2 and 3.
- Rules of procedure to be removed from the main text.
- WG2 should meet again (6 May) in order to:
 - Review the above mentioned points. Reformulation of bullet points for objective 1 and deliverables was agreed by Members as shown in doc. HLG_r(2008-03)_10.v2
 - Propose a timetable and milestones for the next 12 to 18 months.
- The Secretariat will send a consolidated draft programme by 25 April.

4.3 WG1 - Improving nuclear safety arrangements

Mr Weightman, Chair of WG1, informed Members about the draft work programme produced by his group. The aim is to improve nuclear safety, regulation and national responsibility, then to present a report to the Council and Parliament about group's achievements in a one year time frame. Experts had too differing views to propose more activities than what is reported. However a good level of consensus was reached about two activities: 1) to maximise benefits of the Convention on Nuclear Safety and 2) to seek continuous improvement in the national arrangements for nuclear safety regulation. This second point would be realised mainly through the IAEA IRRS missions and the "self assessment" of nuclear Member States, with the involvement of non nuclear EU countries.

Following Mr Weightman's presentation, a discussion followed.

Main points of discussion:

- Most Members that took part in the discussion, led by FR and EC, agreed on the need to have binding European regulations that 1) make reference to IAEA Safety Standards, and in particular, to include principles of Nuclear Safety Convention, to which all EU Member States are contracting Party. 2) Include European aspects in the paper, not to be limited solely to International framework. 3) Make clear reference to WENRA work. (Opposition mainly from UK and DE. DE suggestion would be to make a separate declaration that EU countries feel obliged to follow WENRA reference levels and CNS principles).
- Need of legal instruments at Community level. Certain Members (Chairperson, EC, FR, PL, IE, FI,...) consider it necessary, independently whether the instrument will be a directive or not. Most of them asked that HLG discusses and agrees on areas where Community legislation would be preferable and what elements a possible legal instrument should contain. This approach is in accordance with the Commission Decision of 17 July 2007, and would also respond to the European Parliament. Certain Members, led by AT, suggested the Group to have an in depth discussion on pros and cons of EU legislation on nuclear safety, in order to present a sound report to the Council and to the European Parliament.

DE, SE and UK rejected the idea of a Community legal framework based on the following rationale: 1) Fear that regulators may lose their independence. FI counter-argument is that CNS principles would provide more stability to national regulators, and, contrary to what these Members think, it would not take away regulators' responsibilities. 2) Reflection that legal framework is a political tool, and therefore should not be part of HLG work. The added value to include CNS principles in a European legal instrument was questioned: since initially proposed rules are the same that the ones included in Convention on Nuclear Safety, hence there is no need to repeat them. 3) HLG role in a possible legislative initiative.

According to DE, the tasks of the HLG should be drawn from the Council conclusions and a reflection about legal instruments is not part of the Council conclusions. In the opinion of DE, it should be left to the Council to deal with the content of a possible directive.

AT contended that legislative initiatives right belongs solely to the Commission; the High Level Group role is to identify and advise the Commission on the areas where Community legislation would be needed.

Main agreements:

- Need to further elaborate WG1 draft work programme.
- HLG Members agree, in principle, to keep in the workprogramme the activities related to Convention on Nuclear Safety and the IAEA IRRS missions.
- Need to discuss pros and cons of EU legislation and report to the HLG next meeting.

Actions:

- WG1 should meet before the next European Nuclear Energy Forum to further elaborate the text.
- WG1 is requested to prepare an analysis paper with pros and cons of European legislation in nuclear safety domain.
- WG1 to consider the document on "Basic Safety elements" prepared by the Chairperson. (ref. of the doc.)
- Members are invited to write their comments to Mr Weightman in two weeks framework.

The Chairperson invited Chairs of subgroups to meet in Prague, at the next European Nuclear Forum meeting on 22 May.

It was agreed that the Chairperson will prepare for approval the integrated draft of the HLG work programme based upon the work programmes of the three subgroups (WGs) by the next meeting.

5. Exchange of views and, eventually, decision on HLG acronym and logo

There are several High Level Groups created by the Commission, including in the energy area. A name identifying the HLG should be agreed.

Action:

For more visibility of the Group, the Chairperson invited WG3 to suggest an acronym and logo by the next HLG meeting.

6. Information about the next meeting (30 May, Albert Borschette building, Brussels)

The meeting will be devoted to the finalisation of the HLG work programme and discussion on the pros and cons of EU legislation in nuclear safety domain, based on the paper prepared by WG1.

7. Any other business

Main agreements:

- Public statements will be prepared after each meeting.
- Additional HLG meeting on 15 October, Brussels.

Action:

Secretariat to give access to CIRCA for experts of HLG subgroups.