

Vision Document for the Seminar on a Better Use of the Joint Convention in the EU

I. General Information

The **Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management** (Joint Convention – JC) from 1997 (INFCIRC/546) is the first legally binding international treaty on the safety of spent fuel and radioactive waste management. Nevertheless, from the point of view of its enforcement the JC is an incentive instrument.

Currently, 26 of 27 EU Member States and the European Community are Contracting Parties of the JC.

Objectives of the JC are:

- to achieve and maintain a high level of safety world-wide in spent fuel and radioactive waste management, through the enhancement of national measures and international cooperation, including, where appropriate, safety-related cooperation;
- to ensure that during all stages of spent fuel and radioactive waste management there are effective defences against potential hazards (...);
- To prevent accidents (...) and to mitigate (...);

To deliver these objectives, the JC adopted a review process. The JC requires each Contracting Party to:

- Submit (...) a National Report describing how it implements the obligations of the Joint Convention;
- Seek clarification on the National Reports of other Contracting Parties through a system of written questions and answers; and
- Present and discuss its National Report during a Review Meeting comprising Country Group sessions and Plenary Sessions.

The Joint Convention review process addresses safety worldwide based on national participation and that the formal process is deliberately structured as to avoid any political positioning.

The main purpose of the JC is to encourage Contracting Parties (CP) to learn from each other. In order to optimize the process it is very important that the process as such is open and transparent to all CP and focused on “technical safety issues” in order to avoid any political positioning with regards to e.g. geographical area. This is emphasized by the fact regional organizations of an integration or other nature which have ratified the JC “shall not hold any vote additional to those of its Member States”. Another aspect of this perspective is the detailed guidelines on how to establish subgroups/Country Groups such that membership should not be such as to represent particular geographical areas as well as assignment of officers to Country Groups so that they should not be part of a group of which his/her country is a member.

The JC process is based on national participation and national reporting on measures taken to implement obligations of the convention and is deliberately structured as to avoid any political positioning. The review process calls for CP to review other CP reporting and ask for clarification. It is explicitly stated that “*Each Contracting Party has the right to submit a National Report in the form, length and structure it believes necessary to describe how it has*

implemented each of the obligations of the Convention”, “each Contracting Party shall have a reasonable opportunity to discuss the reports submitted by other Contracting Parties and to seek clarification of such reports” and that “Each Contracting Party should then review the national reports of Contracting Parties in their country group in detail, and the national reports of other Contracting Parties to the extent desired.”

The issue of consistent reporting is the main reason for developing the guidance document on the form and structure of national reports (INFCIRC/604) which has been adopted by CP. Any further guidance on the reporting should better be developed - and accepted - by Contracting Parties.

First, second and third **Review Meetings** took place in 2003, 2006 and 2009 respectively.

During and after the second review meeting in 2006, the **European participants** as well as many others indicated a clear willingness to improve the reporting and review process with respect to its effectiveness and efficiency. Identified weaknesses include:

- concentrating mostly on the formal compliance with the JC stipulations;
- review meetings are too much formal and superficial screening processes of submitted national reports;
- contracting Parties often tend to demonstrate their own self-perceived excellence;
- the review meeting peer review process is often approached in a spirit of self-defence;
- the review meetings are not always considered as most useful peer reviews providing real opportunities for improvement.

In this context **ENSREG** concludes the following¹:

"The process of the Joint Convention could be made more efficient and effective at EU level by ensuring that each EU participating party:

- demonstrates an attitude of openness, constructive challenge and a genuine commitment to make improvements as recommended by peers;
- better prioritises issues in its national report with, for instance, clear identification in the report of the main changes since the previous review meeting;
- shares all the written questions and answers received with EU counterparts;
- promotes waste safety peer reviews in the EU and identifies best waste safety practices and weaknesses that are common for the EU Member States.

Adding to these recommendations, it has to be underlined that the Commission has a particular role to play in this process and ENSREG is the best stakeholder to point out the areas that are found to need developments in more than one EU Member State."

At the third Review Meeting the general observation was made that the review process is maturing well and more constructive exchanges and more knowledge sharing took place than at previous Review meetings (see Summary Report, May, 20, 2009).

¹ Report of the European Nuclear Safety Regulators Group, July 2009

The **third Review Meeting** of the Joint Convention², held in May 2009, has identified among the issues on which the Contracting Parties will have to concentrate for the upcoming 4th Review Meeting:

- the development of a comprehensive regulatory framework;
- the effective independence of the regulatory body;
- the implementation of the strategies with visible milestones;
- the funding to secure waste management;
- the education and recruitment of competent staff and employees and the need to build geological repositories for high level waste.

² Summary Report of the 3rd Review Meeting of the Joint Convention, JC/RM3/02/Rev2

II. Objective of the Seminar

The reports of the JC could provide an added value in the EU, on the one hand by optimizing as far as possible the proposed reporting in the framework 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 other, to identify and select those unresolved issues which may need some further consideration at EU level, with a view either to sharing experiences among MS or to undertake joint analysis for developing possible common approaches.

III. Organisation and Structure

Date of the seminar: 2-4 November 2011.

- Welcome Reception: 2 November evening.
- One and a half day Seminar: 3-4 November.

Place of the seminar: Vienna, "Tech Gate Vienna" just nearby IAEA (*logistics - Nuclear Engineering Seibersdorf GmbH, Austria*).

Participants: (maximum 60)

- WG2 members (maximum 28)
- Each Member State, including those who are not represented in WG2, is invited to nominate at least one representative

The seminar will be organized in four sessions, on the basis of discussions on papers prepared beforehand and presented during the seminar, followed by a panel to draft conclusions and follow up actions. All presentations are to be prepared and sent to the rapporteurs at least one month in advance.

Session 1: Experiences in the application of the JC in MS of the EU: main results and consequences, stressing the positive and negative aspects

- Summary report on the basis of a brief questionnaire to be completed beforehand by all members of the WG2-ENSREG (*support by ES and EC*)
- Main conclusions - report to the panel

Chair: Andrei Stritar, ENSREG

Rapporteur: Hedwig Sleiderink, WG2-ENSREG

Session 2: Use of JC reports to identify unresolved issues which might need further consideration at the level of EU

- Analysis of the JC reports as a potential source to identify unresolved or problematic issues in MS which may need further joint consideration, on the basis of a questionnaire to be completed by all members of the WG2-ENSREG (*support by FR*).

- Discussion on possible mechanisms for identifying and taking care of findings from the Review Meetings which could be addressed at the EU level (*support by DE*)
- Main conclusions - report to the panel

Chair: Jean-Luc Lachaume, ASN, France

Rapporteur: Christina Necheva, WG2-ENSREG

Session 3: Use of the JC reports to elaborate the Council Directive 2011/70/Euratom reports

- Identify those parts of the JC reports which could potentially be used for the Council Directive reports (*support by FI*)
- Discussion on possible approaches to harmonise/ optimize national reports in order to facilitate both the JC Review Meetings and the reporting under the Council Directive 2011/70/Euratom (*support by SE*)
- Main conclusions - report to the panel

Chair: Ute Blohm-Hieber, EC

Rapporteur: Hedwig Sleiderink, WG2-ENSREG

Session 4: Transparency and visibility of JC review process and reports to various national stakeholders

- Analyse opinion and perception of various national stakeholders concerning the transparency and visibility of JC way of functioning and reporting at the EU and national level, on the basis of a brief questionnaire to be completed by all members of the WG2-ENSREG (*support by BE*).
- Discussion of needs for improvement on national or European / international level (*support by SE and EC*).
- Main conclusions - report to the panel.

Chair: Magnus Vesterlind, IAEA

Rapporteur: Christina Necheva, WG2-ENSREG

Panel: Summary of main conclusions and proposal of follow up actions.

- Reports from the sessions.
- Main conclusions.
- Proposal for follow up actions.

Chair: Mr Jean-Paul Minon, ENSREG

The report of the Seminar, including proposals for follow-up actions, will be presented to ENSREG after approval by WG2.

Chairs of the sessions have the responsibility for organising their sessions, including for invitation to speakers if required, in cooperation with the supporting WG2 representatives, rapporteurs and Jean-Paul Minon.