

MEMORANDUM OF UNDERSTANDING BETWEEN THE EUROPEAN NUCLEAR SAFETY REGULATORS GROUP AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR INTERNATIONAL PEER REVIEW MISSIONS TO THE EU MEMBER STATES

Preamble

The European Nuclear Regulators Group (ENSREG) and the International Atomic Energy Agency (IAEA), hereinafter referred as "the Parties",

Recalling paragraph 21 of the Preamble of the Council Directive 2009/71/Euratom of 25 June 2009 ('the Directive') establishing a Community framework for the nuclear safety of nuclear installations, noting that in the past self-assessments have been carried out in Member States as part of international peer reviews under the auspices of the IAEA as International Regulatory Review Team or Integrated Regulatory Review Service (IRRS) missions on a voluntary basis;

Recalling paragraph 9.3 of Article 9 of the Directive according to which Member States shall at least every 10 years arrange for periodic self-assessments of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and/or authorities with the aim of continuously improving nuclear safety;

Recalling that the IAEA has established the IRRS process which includes three phases: self-assessment, main IRRS mission and follow up IRRS mission, in compliance with the IRRS approach and guidelines;

agree to cooperate as follows:

Article 1

Overall roles and responsibilities

(1) ENSREG has unanimously recommended that in order to comply with Article 9.3 of the Directive, the best way forward is by cooperation between the EU Member States and the IAEA IRRS programme.

(2) The overall roles and responsibilities of the parties involved are:

- a) IAEA – to establish, manage and implement the European IRRS programme, as part of the global IRRS programme, taking into account ENSREG's policies.
- b) ENSREG – to develop policies for, and review, the 10 year rolling European IRRS programme proposed by the IAEA, in order to facilitate EU Member States compliance with the Directive.

Article 2

Administration of the European IRRS programme

(1) To provide policies for the European IRRS programme, ENSREG will address the three main items which are to be progressed on a 10 year cycle and updated annually: self-assessments, review missions, and follow-up missions.

(2) All details associated with the main items, such as preparatory meetings, preparation of advance information packages, funding, etc. remain the responsibility of EU Member States, to discuss and agree with the IAEA.

(3) ENSREG will monitor the conduct of the European IRRS programme and will provide a facilitation function when issues regarding the European IRRS programme need to be resolved. For these purposes ENSREG will meet as required (but at least annually) with the IAEA.

Article 3

IAEA resources to implement the European IRRS programme

(1) IAEA has estimated the need for additional resources for it to manage the increased workload arising from the Directive with regard to the European IRRS programme. This has initially been suggested as one expert and the funds in order to recruit experts according to the topics and needs (planning, assessment and outcomes) and one project support officer.

(2) Adequate financing is a pre-condition for the implementation of the European IRRS programme as envisaged in this Memorandum of Understanding. Therefore, for the programme and the Memorandum of Understanding to progress smoothly, the Parties consider it important that the financing issue is resolved for as long a period as possible.

(3) ENSREG and IAEA will monitor and review the resources needed on an annual basis as part of the meeting identified in Article 2 (3)

Article 4

Scope of self-assessments and peer reviews

(1) The Parties agree that to satisfactorily meet both the obligations and spirit of Article 9.3 of the Directive regarding self-assessments and international peer reviews, the best way forward is to use the IAEA Guidelines for Integrated Regulatory Review Service – IRRS, 2010 ('the Guidelines').

(2) It is noted that, for the IAEA to undertake an IRRS mission, the Guidelines require that as a minimum EU Member States address modules 1-4; modules 5-9 to the extent that depends on the types of their installations and activities; module 10; and include policy issues and thematic areas as appropriate.

(3) In order to fulfil their requirements under the Directive it is expected that EU Member States request IRRS missions including self-assessments, main IRRS missions, and follow-up missions¹, in accordance with the Guidelines. However, the determination of the final scope of the self-assessment and the IRRS mission to be requested remains the decision of the EU Member States.

Article 5

Team composition of European IRRS programme IRRS missions

(1) An effective level of EU Member States participation is expected in the European IRRS programme. The aim should be for a majority of European experts in a mission to an EU Member State. This will contribute to the improvement of harmonisation of European regulatory practices and provide a better mutual understanding within Europe of the regulatory environment. It will also provide a good opportunity for learning and information sharing. Either the Team leader or deputy should be from an EU Member State.

¹ It is noted that follow-up missions are not referred to in the Directive

(2) It is expected that EU Member States assign a contact point and a number of potential senior team leaders and suitable experienced experts, depending on the size of its nuclear programme, to the IRRS programme. EU Member States without a nuclear power programme will also assign suitable experienced experts. The size of the resource pool remains to be identified and will be dependent on the established European programme and EU Member States wider commitment to the IAEA IRRS programme globally. The final responsibility for designating the team members for an IRRS mission rests with the IAEA.

Article 6

Funding of missions

(1) The funding of IRRS missions is a matter for EU Member States and the IAEA.

Article 7

Reporting of national peer review results

(1) The intention is that all EU IRRS mission reports should be publically available. It is expected that EU Member States formally send their final IRRS mission reports (main and follow-up missions) to ENSREG, EU Member States and the European Commission when available. It is also expected that EU Member States distribute their finalised action plan, based on the recommendations and suggestions of the mission, to ENSREG, IAEA, EU Member States and the European Commission.

Article 8

Analysis and feedback of European IRRS mission results

(1) A joint ENSREG/IAEA workshop will be held every 2 years, starting in 2013, to discuss issues and trends arising from the European IRRS missions. This joint workshop should be alternated with the existing international IRRS Lessons Learned workshop which is organized by the IAEA every two years. The results of the workshop are intended to enhance the continuous improvement of nuclear safety and inform the development of future European missions. It can also provide input to the review meetings under the Convention on Nuclear Safety and the Joint Convention.

Article 9

Feedback to IAEA on conduct of missions

(1) It is expected that the large number of missions in the European IRRS programme will identify learning points on the conduct of missions. For this purpose a mechanism will be established by ENSREG and the IAEA to provide feedback to assist development of the IRRS Guidelines and to improve the implementation of the future European IRRS programme.

Article 10

Settlement of disputes

(1) Any dispute arising between the Parties concerning the interpretation or implementation of this Memorandum of Understanding shall be settled through mutual consultation or negotiation between the Parties.

Article 11

Amendment

- (1) This Memorandum of Understanding may be amended in writing, with the amendment signed by the Parties in the same manner as this Memorandum of Understanding.
- (2) Any amendment shall enter into effect on the date of its signature on behalf of both Parties.

Article 12

Final provisions

- (1) This Memorandum of Understanding will come into effect on the date of signature on behalf of both Parties and remain in effect for a period of three years therefrom.
- (2) This Memorandum of Understanding shall be automatically extended for additional periods of three years, unless either Party notifies the other party in writing, six months prior to the expiry date, of its intention to allow this Memorandum of Understanding to expire.
- (3) This Memorandum of Understanding may be terminated by either Party at any time by giving at least six months' notice.

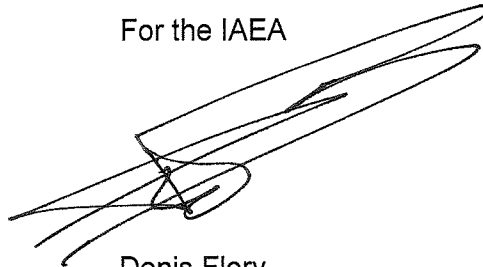
Signed in duplicate at Brussels on 28/06/2011 in the English language.

For ENSREG



Andrej Stritar
Chairperson of ENSREG

For the IAEA



Denis Flory
Deputy Director General
Head of the Department of the Nuclear Safety
and Security