



## **Guidance on Openness and Transparency for European Nuclear Safety Regulators**

*Update approved by ENSREG in November 2019*

### **Background**

The document entitled 'Guidance for National Regulatory Organisations, Principles for Openness and Transparency' was endorsed by ENSREG in 2011. In 2014, a decision to update the document with a view to reflect new legislation, developments and needs, was made. The update of the document was introduced as dedicated task in the ENSREG Work Programme. To this end, a survey on the implementation of the principles for openness and transparency has been conducted among Member States in 2018. The findings from this survey have been reflected in the revised guidance.

### **Introduction**

EU legislation contains provisions regarding transparency and public participation in the nuclear field. Specifically:

- Council Directive 2014/87/Euratom amending Directive 2009/71/Euratom on a Community framework for the nuclear safety of nuclear installations (Article 8) includes transparency provisions. While the 2009 Directive provided only for information to the public, the revised 2014 Directive now also provides for public participation. Member States are explicitly invited to ensure that the public is given the necessary opportunities to participate effectively in the decision-making process regarding spent fuel and radioactive waste management in accordance with national legislation and international obligations. A recital explicitly refers to the use of nuclear safety assessments for the assessment of the risk of a major accident, as covered by the EIA (Environmental Impact Assessment) Directive<sup>1</sup>.
- Council Directive 2011/70/Euratom on a Community framework for the responsible and safe management of spent fuel and radioactive waste has substantially strengthened and clarified the transparency provisions (Article 10). In addition to informing the public, this directive also requires the active participation of the public. Member States are explicitly invited to ensure that the public be given the necessary opportunities to participate effectively in the decision-making process regarding spent fuel and radioactive waste management in accordance with national legislation and international obligations.

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<sup>1</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment amended by Directive 2014/52/EU



- Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protecting against the dangers arising from exposure to ionising radiation defines in Article 70 obligations and provisions regarding information to the public likely to be affected in the event of an emergency and defines in Article 71 obligations and provisions regarding information to the public actually affected in the event of an emergency.

The European Nuclear Safety Regulators (hereafter the Regulators) share the view that openness and transparency significantly contribute to the continuous improvement of nuclear safety. At the same time they face challenges in their quest to be open and transparent with those that are interested in or affected by their regulatory role. A particular challenge is the need to strike the right balance between openness and security and commercial-related considerations, whilst still accommodating the public's desire to be well informed.

This document provides general guidance to the Regulators for ensuring openness and transparency in their effective communication activities. The guidance goes beyond the legal obligations set out in Article 8 of the Nuclear Safety Directive, Article 10 of the Waste Directive and the relevant articles of the Basic Safety Standards Directive. It is generic in nature and may need to be adapted to the organisational structures of Member States taking into account the financial and personnel feasibilities of each Regulator. Therefore, the guidance should be implemented following a graded approach in order to take into account different infrastructures, situations and requirements. As an overarching model, the Regulators shall commit themselves to the principles of openness and transparency and to the mission of striving for continuously improvement.

## Best Practice

1. **Promote a culture of openness and transparency within the Regulators** so that all staff understand the importance of being transparent and of engagement with interested parties. Openness and transparency shall be included in the core of the organizational values and behaviours.
2. **Develop a policy/strategy on communication** which clearly sets out the organisation's commitment to open communication and the way in which transparency is implemented. Underpin this with, if applicable, regularly updated plans detailing the activities that the Regulators will undertake to ensure effective communication with interested parties.
3. **Develop an appropriate toolkit for effective communication with the public and other interested parties.** For example, an accessible website where the general public and specific interested parties can find in-depth and understandable information on aspects of the Regulator's work and, in particular, on regulatory decisions and opinions. The website should, for example, include access to on-line radioactivity monitoring data, to the relevant guidelines and legislation, to information on specific events and



incidents, to research and other reports and to press releases. It should also support interactive consultation with interested parties and collection of feedback from website visitors. It is recommended to use online communication, including social media, as appropriate.

4. **Produce an annual report** on the Regulator's activities with the aim to demonstrate key achievements of the previous year. The annual report should be accessible to the public.
5. **Communicate effectively and proactively with interested parties in a timely manner** using appropriate means that enhance their participation, in accordance with the requirements included in national, European and international law. Establishing relations in a more informal manner could help to build trust. The Regulators may consider the organization of public meetings on a regular basis, as a way of promoting dialogue and interaction with interested parties.
6. **Communicate effectively with the media** and become the main point of reference for traditional and new media for information related to nuclear safety, radioactive waste management or safety significant nuclear and radiological events to the public. Efforts for coordinated information should be applied. Doing this will help to establish the Regulators as a credible source of information and will ensure that there is coordinated regular interaction.
7. **Produce information in plain language.** The information may need to be adapted for different target audiences. For example, some audiences will require more technical and complex information. Provide translated information where deemed necessary.
8. **When developing documents, consider in advance which information might be sensitive**, and organise the content so as to ensure that the public version contains as much useful information as possible. For pre-existing documents being made public, delete only those parts of the document where commercial, national defence, public safety, security, proprietary, privacy issues or other restrictions within the framework of national legislation apply. This promotes a high degree of transparency. When balancing transparency against sensitivity/security it is important to justify why some information cannot be disclosed.
9. **Evaluate the effectiveness of the Regulator's communication** in terms of openness and transparency. Share the results, as appropriate.