

**Implementation of the EU Directive and its potential generalisation  
worldwide**

**Speaking Points**

**Introduction**

Distinguished senior regulators,

I am very pleased to attend the 2010 session of the Senior Regulators' Group meeting, which represents a unique opportunity to exchange views and experiences on current policy and technical issues related to nuclear matters.

One of the key developments of the European Energy Policy over the last years is the shift towards low carbon energy sources, in particular nuclear energy and renewable energy sources. This shift is essential for the imperative fight against climate change, but also to increase the security of energy supply by reducing the external dependence on oil and gas.

**1. Nuclear safety – an absolute policy priority for the EU**

In the current context, nuclear safety is and remains an absolute policy priority for the EU.

At present, in Europe, 143 nuclear power plants operating in 14 Member States generate approximately one third of the EU electricity.

Nuclear power produces around two thirds of the carbon-free electricity in the EU and by early 2020's, nearly two thirds of all EU electricity could come from carbon-free sources, essentially from nuclear energy.

In addition, today, a number of Member States plan new investments or life extensions of nuclear power plants (e.g. new nuclear power plants are being built in Finland, France, and Slovakia; further projects in several other Member States, like the United Kingdom, Poland, Italy, Bulgaria, Romania and the Czech Republic, have been announced or notified to the European Commission. In addition, lifetime extensions decisions have been recently announced in Belgium and Germany).

While it is for each EU country to choose whether or not to rely on nuclear, the role of the EU is to develop in the interest of all its Member States the most advanced legal framework for nuclear energy, meeting the highest standards of safety, security and non-proliferation.

Another important role of the EU is to encourage and support third countries to meet the highest standards of safety, security and non-proliferation, through developing international cooperation in the nuclear energy field, in particular with the International Atomic Energy Agency (IAEA). Externally, financial EU support instruments are also in place to promote nuclear safety in third countries.

The Nuclear Safety Directive was unanimously adopted last year by the 27 EU Member States, benefiting from a very large support of the European Parliament. It was the achievement of the continuous efforts of the Commission to establish a Community-wide legally binding framework governing nuclear safety issues.

This legal framework supports the development of a sustainable safety infrastructure at national level and responds to the safety challenges posed by the renewed interest in nuclear energy at EU level and worldwide.

Moreover, the legally binding common safety requirements across the EU were also necessary in order to provide appropriate guarantees to the public, which requested reassurance on the safety of nuclear installations across Europe, as reflected in the latest Eurobarometer surveys.

Developing nuclear safety to the highest possible standard is a responsibility not only for Europe, but for the world; not only for us but for the next generations. The healthy competition and stimulation that may stem from such an ambition is not to be underestimated.

By going ahead, the EU became the first major regional nuclear actor in the world to have legally binding safety rules. This example could initiate other regions in the world to follow the approach of legally binding safety standards. This would not only improve safety worldwide, but could also create a move towards applying a serious safety culture.

Moreover, the existence of a Community nuclear safety legislative framework could help to create a level playing field in the context of the negotiations of international agreements in the nuclear field with third parties.

This result could not have been achieved without the creation of the European Nuclear Safety Regulators Group (ENSREG), which brings together the senior regulators and heads of national authorities in charge of nuclear safety of all the nuclear and non-nuclear Member States. The Commission cooperated with ENSREG and included in its proposal many elements, key principles and guiding lines suggested by the Group.

We extend also our thanks to WENRA that has invested a lot in this matter, in particular through the development of the reference levels.

In addition, in the preparation of the Directive, the Commission cooperated with the IAEA, which also participates as an observer in

ENSREG, in order to ensure the full conformity of the EU legislative proposal with the international IAEA standards and reach agreement on important elements. This ensured a sound and coherent approach and, at the same time, established the ground for a continued enhanced cooperation.

## **2. The Nuclear Safety Directive – a milestone EU legal instrument**

The main objective of the Nuclear Safety Directive is to establish a solid and flexible legal framework for maintaining and promoting the continuous improvement of nuclear safety and its regulation, based on shared principles already agreed at international level.

The Directive introduces into Community law the principles of the IAEA Safety Fundamentals and the obligations of the international Convention on Nuclear Safety, which were both drawn up and endorsed by the Member States.

The elaboration of EU legislation on these bases recognises the value of the international progress in the nuclear safety area and takes full advantage of the work carried out by the IAEA in this field.

The setting up of binding legal rules at EU level will benefit Member States, as it would give them a reference for their national nuclear safety systems. In this context, it is important to stress that the Directive creates a flexible approach for the continuous improvement of nuclear safety requirements, by leaving a needed appreciation margin to the Member States in the practical implementation. Secondly, it will benefit the national nuclear safety regulatory bodies, as it would ensure that they get enough human and financial means for their work and give them the driving role in implementing the common EU rules. Finally, it will profit EU citizens by enhancing their safety and providing them legal certainty.

The underlying principles upon which the Directive is built are the national responsibility for nuclear safety and the continuous improvement of safety.

In line with these basic principles, the Directive requires Member States to establish and to maintain a national legislative, regulatory and organisational framework for the safety of nuclear installations. This framework should be improved when appropriate, taking into account operating experience, insights gained from safety analyses for operating nuclear installations, development of technology and results of safety research.

In addition, periodic safety assessments of their national framework and competent regulatory authorities shall be organised by the EU Member States, supplemented by international peer reviews.

In order to fulfil this requirement related to the international peer-reviews, the EU Member States' regulators reunited in ENSREG recommended that the best way forward is the cooperation with the IAEA Integrated Regulatory Review Service (IRRS) programme, recognising thus the value of this mutual learning mechanism that represents an opportunity to exchange professional experience and to share lessons learned and good practices in an open and cooperative spirit through advice by peers.

The Directive aims to reinforce the role and the independence of the competent national regulatory authorities by building on their competencies.

The prime responsibility of licence holders for nuclear safety is also explicitly recognised. Licence holders are required to undertake systematic and verifiable safety assessments, including the verification of "defence-in-depth" measures.

The Directive requires Member States to ensure that arrangements for education and training are made in order to maintain and to further develop competencies in nuclear safety.

Finally, it promotes a high level of transparency of regulatory actions to the public, within the limits of national legislation and international obligations.

### **3. The transposition and implementation of the Nuclear Safety Directive - follow-up steps subsequent to its adoption**

The Nuclear Safety Directive is now to be transposed into the national legislation of the Member States by 22 July 2011. Consequently, one of the main priorities of the Commission in the current period is to ensure and support the Member States for the proper and timely transposition of the Directive.

A concrete example of Commission assistance was represented by the organisation in May 2010 of a meeting, where Member States' experts were invited to raise, seek clarifications and discuss with our services any issues that they considered of relevance in the transposition process. The discussions within the seminar touched upon all the provisions of the Directive, focussing in particular on aspects such as ensuring regulatory independence, providing sufficient human and financial resources for the regulators etc.

In addition, the Commission welcomes and fully supports the commitment taken by ENSREG to actively contribute to the process of transposing and implementing the Directive. Consequently, a specific ENSREG Working Group (*n.b. chaired by Mr Mike Weightman, the Chairperson of this morning session*) is tasked to suggest and develop a unified structure for the Member States' Reports on the implementation of

the Directive, to help establishing a common methodology for the periodic safety self-assessments and a system for the coordination of the international peer-reviews. The Commission follows closely and actively contributes to all these activities.

Subsequent to the transposition period, the Member States will have to periodically report to the Commission the status of the implementation of the Directive. The first report is due to be submitted 22 July 2014 and every three years thereafter, taking into account the timing for reporting and regular review meetings under the Convention on Nuclear Safety. This will further support the improvement of the EU contribution to the Convention on Nuclear Safety review process.

Furthermore, in order to stimulate the exchange of practical experiences and best practices, the Directive requires Member States to report to the other Member States and to the Commission, the outcomes of the international peer-reviews that they have the obligation to periodically invite, when these are available.

#### **4. The key role of the national regulators in the context of the Nuclear Safety Directive**

The Nuclear Safety Directive aims to reinforce the role and the independence of the competent national regulatory authorities by building on their competencies. It recognises explicitly that only independent and strong regulators can guarantee the safe operation of the nuclear installations in the EU. In order to facilitate autonomous decisions giving priority to nuclear safety by guaranteeing the freedom of the regulatory authority from undue pressure, the Directive emphasises the basic principle that the regulators should be functionally separated from any body or organisation concerned with the promotion or utilisation of nuclear energy.

The Directive requires Member States to ensure that national regulators are vested with adequate authority, including the authority to suspend the operation of a nuclear installation, and are given the legal powers and the means – in terms of human and financial resources – necessary to fulfil their tasks. In simple words, the Regulator should be independent.

In order to ensure the fulfilment of these objectives, the Commission will actively check that the national legislation transposing the Directive sets up adequate mechanisms and guarantees for the independence of the regulatory authorities. If relevant, it will issue recommendations on the draft measures or launch appropriate procedures if the measures adopted are not deemed adequate.

The Directive introduces an additional level of supervision by imposing to the regulatory authorities the obligation to ensure that the information on the national regulation of nuclear safety is made available to the general

public. It thus offers European civil society a possibility to become more involved in this field.

## **Conclusion**

Distinguished senior regulators,

Let me now summarise:

- Nuclear safety is and will remain our absolute priority for the EU.
- To meet this objective, an appropriate binding legal framework for nuclear safety, alongside with a strong safety culture at all levels is fundamental.
- Through its nuclear safety binding legal framework, the EU can represent an example for other regions. We are ready to cooperate with all countries or regions if you consider our legally binding approach to be attractive. As underlined by the previous IAEA Director General, Dr. El Baradei, at the last year's General Conference, "it is in all our interests to ensure that the highest safety standards are upheld everywhere".

However, we have many challenges ahead: the need to maintain the level of safety in situation of lifetime extension, continuous improvement of safety everywhere, ensuring that cost reduction strategies do not reduce safety and helping new countries embarking into nuclear power. We must combine energy policy ambitions with safety considerations. I believe we have a responsibility to implement a sound framework and seek to further enhance it, providing the EU with an excellent opportunity to move ahead and to address nuclear issues in the broadest sense.

Throughout this complex process and with a view to addressing the many challenges, the cooperation between the regulatory bodies is of crucial importance for achieving tangible results in maintaining and enhancing nuclear safety. In this context, as an example of good practice, I would like to highlight the key importance of the activity of ENSREG, which has actively and significantly contributed to boosting communication, coordination and cooperation between EU national regulatory authorities, as well as enhancing their dialogue with the Commission.

As mentioned before, we have cooperated fruitfully with the IAEA in the preparation of the Nuclear Safety Directive. Now that the common legal framework on nuclear safety in the EU has been established, we will continue and further reinforce our cooperation in this important field with the aim of reaching our common goals of meeting the highest standards of safety, security and non proliferation. We will also complement the legal framework with a new proposal regarding safety of spent fuel management and safety of radioactive waste management.

Thank you for your attention.