

## I

*(Resolutions, recommendations and opinions)*

## OPINIONS

## EUROPEAN COMMISSION

## COMMISSION OPINION

of 8 August 2022

**relating to the plan for the disposal of radioactive waste arising from the Paks II nuclear power plant site (two VVER-1200 reactors), located in Tolna county, Hungary**

**(only the Hungarian text is authentic)**

(2022/C 305/01)

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation <sup>(1)</sup>.

On 9 February 2021, the European Commission received from the Permanent Representation of Hungary, in accordance with Article 37 of the Euratom Treaty, the General Data relating to the plan for the disposal of radioactive waste <sup>(2)</sup> arising from the Paks II nuclear power plant site.

Additional information on this plan was requested by the Commission on 30 March, on 9 June and on 12 July, and provided by the Permanent Representation of Hungary on 27 April, 17 June and on 23 July. Moreover, Hungarian Government representatives provided complementary information at the plenary meeting of the Group of Experts, held on 9 and 10 June 2021 (by Videoconference). Based on the General Data and additional information provided, the Commission has drawn up the following opinion:

1. The distance from the site to the nearest Member State is 75 km for Croatia. The border of Serbia, as a neighbouring country, is at a distance of 66 km.
2. Under normal operating conditions, the discharge of gaseous and liquid radioactive effluents will not be liable to cause an exposure of the population in another Member State or a third country that is significant from the point of view of health, in respect of the dose limits laid down in the Basic Safety Standards Directive (Council Directive 2013/59/Euratom) <sup>(3)</sup>.

<sup>(1)</sup> For instance, under the Treaty on the Functioning of the European Union, environmental aspects should be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU; to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, as well as to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and to Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

<sup>(2)</sup> The disposal of radioactive waste in the meaning of point 1 of Commission Recommendation 2010/635/Euratom of 11 October 2010 on the application of Article 37 of the Euratom Treaty (OJ L 279, 23.10.2010, p. 36).

<sup>(3)</sup> Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1).

3. Solid low and intermediate level radioactive waste will be disposed of in the underground National Radioactive Waste Repository in Bataapati. Spent fuel elements will be temporarily stored on site (in a new facility to be built, not included in this submission). The planned reference scenario is that the fuel elements subsequently will be disposed of in a deep geological repository in Hungary. Reprocessing of spent fuel may be an option. In case spent fuel will be shipped to a third country for reprocessing, it will have to return to Hungary for disposal in application of Article 4, paragraph 2 of the Radioactive Waste Directive (Council Directive 2011/70/Euratom<sup>(4)</sup>), according to which where spent fuel is shipped for reprocessing to a third country, the ultimate responsibility for the safe and responsible disposal of that material, including any waste as a by-product, shall remain with the Member State of origin. In case spent fuel will be shipped to a third country for disposal, the following requirements should be met: (i) spent fuel must be regarded as 'radioactive waste' by the Hungarian competent regulatory authority, in accordance with the definition provided in Article 3(7) of the Directive, (ii) at the time of the shipment, an agreement to use a disposal facility in the third country of destination must have entered into force between the latter and Hungary; (iii) the conditions listed in Article 4(4) of the Directive must be fulfilled, in particular the condition under letter c) thereof, according to which the third country of destination must have an operating disposal facility. Finally, it should be stressed that the purpose of the shipment of spent fuel (be it reprocessing or disposal) needs to be clearly established and communicated in advance by the competent authorities.
4. In the event of accidents of the type and associated magnitudes of unplanned releases of radioactive effluents, as considered in the General Data, the doses likely to be received by the population in another Member State or a third country would not be significant from the point of view of health, in respect of the reference levels laid down in the Basic Safety Standards Directive (Directive 2013/59/Euratom).
5. The submitted General Data and additional information provided data on the analysis of the seismicity of the region around the nuclear power plant site (classified into the seismically mid-active regions) and on the probable maximum seismic activity (Annex I to Commission Recommendation 2010/635/Euratom). The Commission encourages the Hungarian authorities to continue to monitor closely the development of the scientific knowledge on the seismology of the region around the nuclear power plant site, to give appropriate follow up to any findings, and to inform neighbouring Member States and the Commission.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the two VVER reactors of the Paks II nuclear power plant site located in Tolna county, Hungary, both in normal operation and in the event of accidents of the type and associated magnitudes of unplanned release of radioactive effluents, as considered in the General Data, is not liable to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State or a third country, in respect of the provisions laid down in the Basic Safety Standards (Directive 2013/59/Euratom).

Done at Brussels, 8 August 2022.

*For the Commission*  
Kadri SIMSON  
*Member of the Commission*

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<sup>(4)</sup> 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 (OJ L 199, 2.8.2011, p. 48–56).