

Wednesday 2 April 2014

P7_TA(2014)0274

Community framework for the nuclear safety of nuclear installations ***European Parliament legislative resolution of 2 April 2014 on the proposal for a Council directive amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations (COM(2013)0715 — C7-0385/2013 — 2013/0340(NLE))****(Consultation)**

(2017/C 408/23)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0715),
 - having regard to Articles 31 and 32 of the Euratom Treaty, pursuant to which the Council consulted Parliament (C7-0385/2013),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A7-0252/2014),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union and Article 106a of the Euratom Treaty;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council and the Commission.

Amendment 1**Proposal for a directive****Citation 4 a (new)**

Text proposed by the Commission

Amendment

- **Having regard to the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which was signed by the European Community and all the EU Member States in 1998,**

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Amendment 2
Proposal for a directive
Citation 4 b (new)

Text proposed by the Commission

Amendment

- *Having regard to the implementation of the Aarhus Convention in the context of nuclear safety, as brought about by the ‘Aarhus Convention and Nuclear’ initiative, which requires Member States to publish key information concerning nuclear safety and to involve the public in the decision-making process,*

Amendment 3
Proposal for a directive
Recital 6

Text proposed by the Commission

Amendment

- (6) 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 ⁽³³⁾ imposes obligations on the Member States to establish and maintain a national framework for spent fuel and radioactive waste management.

⁽³³⁾ OJ L 199, 2.8.2011, p. 48.

- (6) 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 ⁽³³⁾ imposes obligations on the Member States to establish and maintain a national framework for spent fuel and radioactive waste management. ***The European Parliament resolution of 14 March 2013 on risk and safety assessments (‘stress tests’) of nuclear power plants in the European Union and related activities ^(33a) recalled that the hazards of nuclear waste were once again highlighted by the Fukushima nuclear accident.***

⁽³³⁾ OJ L 199, 2.8.2011, p. 48.

^(33a) ***Texts adopted, P7_TA(2013)0089.***

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Amendment 4
Proposal for a directive

Recital 7

Text proposed by the Commission

- (7) Council Conclusions of 8 May 2007 on nuclear safety and safe management of spent nuclear fuel and radioactive waste⁽³⁴⁾ highlighted that ‘nuclear safety is a national responsibility exercised where appropriate in an EU-framework. Decisions concerning safety actions and the supervision of nuclear installations remain solely with the operators and national authorities’.

⁽³⁴⁾ Adopted by the Coreper on 25 April 2007 (doc. Ref. 8784/07) and the Economic and Financial Affairs Council on 8 May 2007.

Amendment

- (7) Council Conclusions of 8 May 2007 on nuclear safety and safe management of spent nuclear fuel and radioactive waste⁽³⁴⁾ highlighted that ‘nuclear safety is a national responsibility exercised where appropriate in an EU-framework. Decisions concerning safety actions and the supervision of nuclear installations remain solely with the operators and national authorities’. **However, in its resolution of 14 March 2013 on risk and safety assessments (‘stress tests’) of nuclear power plants in the European Union and related activities, the European Parliament took note of the cross-border relevance of nuclear safety, for example by recommending that periodic safety reviews should be based on common safety standards or that cross-border safety and supervision should be ensured. That resolution called for the definition and implementation of binding nuclear safety standards.**

⁽³⁴⁾ Adopted by the Coreper on 25 April 2007 (doc. Ref. 8784/07) and the Economic and Financial Affairs Council on 8 May 2007.

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Amendment 5
Proposal for a directive

Recital 15

Text proposed by the Commission

- (15) A strong and independent competent regulatory authority is a fundamental condition of the European nuclear safety regulatory framework. Its independence and the exercise of its powers impartially and transparently are crucial factors to ensure a high level of nuclear safety. Objective regulatory decisions and enforcement actions should be established without any undue external influence that might compromise safety, such as pressures associated with changing political, economic or societal conditions, or pressures from government departments or any other public or private entities. The negative consequences of the lack of independence were evident in the Fukushima accident. The provisions of Directive 2009/71/Euratom on functional separation of competent regulatory authorities should be strengthened to ensure the regulatory authorities' effective independence and to guarantee that they are provided with the appropriate means and competencies to properly carry out the responsibilities assigned to them. In particular, the regulatory authority should have sufficient legal powers, sufficient staffing and sufficient financial resources for the proper discharge of its assigned responsibilities. The strengthened requirements aiming at ensuring independence in carrying out the regulatory tasks should be however without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government **not related to the** regulatory powers and duties.

Amendment

- (15) A strong and independent competent regulatory authority is a fundamental condition of the European nuclear safety regulatory framework. Its **legal** independence and the exercise of its powers impartially and transparently are crucial factors to ensure a high level of nuclear safety. Objective regulatory decisions and enforcement actions should be established without any undue external influence that might compromise safety, such as pressures associated with changing political, economic or societal conditions, or pressures from government departments or any other public or private entities. The negative consequences of the lack of independence were evident in the Fukushima accident. The provisions of Directive 2009/71/Euratom on functional separation of competent regulatory authorities should be strengthened to ensure the regulatory authorities' effective independence and to guarantee that they are provided with the appropriate means and competencies to properly carry out the responsibilities assigned to them. In particular, the regulatory authority should have sufficient legal powers, sufficient staffing and sufficient financial resources for the proper discharge of its assigned responsibilities. The strengthened requirements aiming at ensuring independence in carrying out the regulatory tasks should be however without prejudice to close cooperation, as appropriate, with other relevant national authorities **and the Commission** or to general policy guidelines issued by the government **that do not undermine the national authority's** regulatory powers and duties.

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Amendment 6
Proposal for a directive

Recital 22

Text proposed by the Commission

- (22) In order to ensure that the proper skills are acquired and that adequate levels of competence are achieved and maintained, all parties should ensure that all staff (including sub-contractors), having responsibilities relating to the nuclear safety of nuclear installations and to the on-site emergency preparedness and response arrangements, undergo a continuous learning process. This can be achieved through the establishment of training programmes and training plans, procedures for periodic review and updating of the training programmes as well as appropriate budgetary provisions for training.

Amendment

- (22) In order to ensure that the proper skills are acquired and that adequate levels of competence are achieved and maintained, all parties should ensure that all staff (including sub-contractors), having responsibilities relating to the nuclear safety of nuclear installations and to the on-site emergency preparedness and response arrangements, undergo a continuous learning process. This can be achieved through the establishment of training programmes and training plans, procedures for periodic review and updating of the training programmes **and by exchanges of knowhow between countries within and outside the Union** as well as appropriate budgetary provisions for training.

Amendment 7

Proposal for a directive

Recital 23

Text proposed by the Commission

- (23) Another key lesson learned from the Fukushima nuclear accident is the importance of enhancing transparency on nuclear safety matters. Transparency is also an important means to promote independence in regulatory decision making. Therefore, the current provisions of Directive 2009/71/Euratom on the information to be provided to the public should be more specific as to which type of information should be provided, as a minimum by the competent regulatory authority and by the licence holder, and within which time frames. To this purpose, for example, the type of information that should be provided, as a minimum by the competent regulatory authority and by the licence holder as part of their wider transparency strategies, should be identified. Information should be released in a timely manner, particularly in case of **abnormal events** and accidents. Results of periodic safety reviews and international peer reviews should also be made public.

Amendment

- (23) Another key lesson learned from the Fukushima nuclear accident is the importance of enhancing transparency on nuclear safety matters. Transparency is also an important means to promote independence in regulatory decision making. Therefore, the current provisions of Directive 2009/71/Euratom on the information to be provided to the public should be more specific as to which type of information should be provided, as a minimum by the competent regulatory authority and by the licence holder, and within which time frames. To this purpose, for example, the type of information that should be provided, as a minimum by the competent regulatory authority and by the licence holder as part of their wider transparency strategies, should be identified. Information should be released in a timely manner, particularly in case of **incidents** and accidents. Results of periodic safety reviews and international peer reviews should also be made public. **In its resolution of 14 March 2013 on risk and safety assessments ('stress tests') of nuclear power plants in the European Union and related activities, the European Parliament called for the Union's citizens to be fully informed and consulted on nuclear safety in the Union.**

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Amendment 8
Proposal for a directive

Recital 24

Text proposed by the Commission

(24) The requirements of this Directive on transparency are complementary to those of the existing Euratom legislation. Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency⁽⁴²⁾ imposes obligations on Member States to notify and provide information to the Commission and to other Member States in case of a radiological emergency on its territory, whilst Council Directive 89/618 Euratom of 27 November 1989⁽⁴³⁾ includes requirements on Member States to inform the public about health protection measures to be applied and steps to be taken in the event of a radiological emergency, and to provide advance and continuing information to the population likely to be affected in the event of a such an emergency. However, in addition to the information to be provided in such an event, Member States should under this Directive arrange for appropriate transparency provisions, with prompt and regularly updated release of information to ensure that workers and the general public are kept informed about all nuclear safety related events, including **abnormal events** or accident conditions. **Moreover, the public should be given opportunities to participate effectively in the licencing process of nuclear installations and the competent regulatory authority should provide any safety-related information independently, without need for prior consent from any other public or private entity.**

⁽⁴²⁾ OJ L 371, 30.12.1987, p. 76.

⁽⁴³⁾ OJ L 357, 7.12.1989, p. 31.

Amendment

(24) The requirements of this Directive on transparency are complementary to those of the existing Euratom legislation. Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency⁽⁴²⁾ imposes obligations on Member States to notify and provide information to the Commission and to other Member States in case of a radiological emergency on its territory, whilst Council Directive 89/618 Euratom of 27 November 1989⁽⁴³⁾ includes requirements on Member States to inform the public about health protection measures to be applied and steps to be taken in the event of a radiological emergency, and to provide advance and continuing information to the population likely to be affected in the event of a such an emergency. However, in addition to the information to be provided in such an event, Member States should under this Directive arrange for appropriate transparency provisions, with prompt and regularly updated release of information to ensure that workers and the general public are kept informed about all nuclear safety related events, including **incidents** or accident conditions.

⁽⁴²⁾ OJ L 371, 30.12.1987, p. 76.

⁽⁴³⁾ OJ L 357, 7.12.1989, p. 31.

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Amendment 9
Proposal for a directive

Recital 25

Text proposed by the Commission

- (25) The Directive 2009/71/Euratom sets up a legally binding Community framework underlying a nuclear safety legislative, administrative and organisational system. It does not include specific requirements for nuclear installations. In view of the technical progress achieved by the IAEA, and the Western European Nuclear Regulators Association ('WENRA') and other sources of expertise, including the lessons learned from the stress tests and the Fukushima nuclear accident investigations, Directive 2009/71/Euratom should be amended to include Community nuclear safety objectives covering all stages of the lifecycle of nuclear installations (siting, design, construction, commissioning, operation, decommissioning).

Amendment

- (25) The Directive 2009/71/Euratom sets up a legally binding Community framework underlying a nuclear safety legislative, administrative and organisational system. It does not include specific requirements for nuclear installations. In view of the technical progress achieved by the IAEA, and the Western European Nuclear Regulators Association ('WENRA') and other sources of expertise, including the lessons learned from the stress tests and the Fukushima nuclear accident investigations, Directive 2009/71/Euratom should be amended to include **legally binding** Community nuclear safety objectives covering all stages of the lifecycle of nuclear installations (siting, design, construction, commissioning, operation, decommissioning).

Amendment 10
Proposal for a directive

Recital 28

Text proposed by the Commission

- (28) For new reactor design, there is a clear expectation to address in the original design what was beyond design for previous generations of reactors. Design extension conditions are accident conditions that are not considered for design basis accidents, but are considered in the design process of the installation in accordance with best estimate methodology, and for which releases of radioactive material are kept within acceptable limits. Design extension conditions **could** include severe accident conditions.

Amendment

- (28) For new reactor design, there is a clear expectation to address in the original design what was beyond design for previous generations of reactors. Design extension conditions are accident conditions that are not considered for design basis accidents, but are considered in the design process of the installation in accordance with best estimate methodology, and for which releases of radioactive material are kept within acceptable limits. Design extension conditions **should** include severe accident conditions.

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Amendment 11
Proposal for a directive

Recital 29

Text proposed by the Commission

- (29) Application of the concept of defence-in-depth in organisational, behavioural, or design activities related to a nuclear installation, ensures that safety related activities are subject to independent layers of provisions, such that if a failure were to occur, it would be detected and compensated by appropriate measures. The independent effectiveness of each of the different layers is an essential element of defence in depth to prevent accidents and mitigate the consequences if they do occur.

Amendment

- (29) Application of the concept of defence-in-depth in organisational, behavioural, or design activities related to a nuclear installation, ensures that safety related activities are subject to independent layers of provisions, such that if a failure were to occur, it would be detected and compensated **or corrected** by appropriate measures. The independent effectiveness of each of the different layers is an essential element of defence in depth to prevent accidents, **detect and control deviations** and mitigate the consequences if they do occur.

Amendment 12
Proposal for a directive

Recital 33

Text proposed by the Commission

- (33) This Directive introduces new provisions on self-assessments and peer-reviews of nuclear installations based on selected nuclear safety topics covering their entire lifecycle. At an international level, there is already confirmed experience with conducting such peer-reviews on nuclear power plants. At the EU level, the experience from the stress tests process shows the value of a coordinated exercise to assess and review the safety of EU nuclear power plants. A similar mechanism, based on cooperation between the Member States' regulatory authorities and the Commission, should be applied here. Therefore, competent regulatory authorities coordinating in the context of expert groups such as ENSREG, could contribute with their expertise to identifying the relevant safety topics and in carrying out these peer reviews. If Member States fail to jointly select at least one topic the Commission should select one or more topics to be subject to the peer reviews. Participation of other stakeholders, such as Technical Support Organisations, international observers or non-governmental Organisations could bring added value to the peer reviews.

Amendment

- (33) This Directive introduces new provisions on self-assessments and peer-reviews of nuclear installations based on selected nuclear safety topics covering their entire lifecycle. At an international level, there is already confirmed experience with conducting such peer-reviews on nuclear power plants. At the EU level, the experience from the stress tests process shows the value of a coordinated exercise to assess and review the safety of EU nuclear power plants. A similar mechanism, based on cooperation between the Member States' regulatory authorities and the Commission **within the framework of ENSREG**, should be applied here. Therefore, Competent regulatory authorities coordinating in the context of expert groups such as ENSREG, could contribute with their expertise to identifying the relevant safety topics and in carrying out these peer reviews. If Member States fail to jointly select at least one topic the Commission should select one or more topics to be subject to the peer reviews. Participation of other stakeholders, such as Technical Support Organisations, international observers or non-governmental Organisations could bring added value to the peer reviews.

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Amendment 13
Proposal for a directive
Recital 33 a (new)

Text proposed by the Commission

Amendment

- (33a) ***Considering the risks of duplication with existing international peer review processes and the risk of interference in the work of independent national regulatory authorities, topical peer reviews should build on the experience gained by ENSREG and WENRA during the European safety reassessments after Fukushima. ENSREG should be entrusted by Member States with the choice of topics, the organisation of the topical peer review, its implementation, and follow-up actions.***

Amendment 14
Proposal for a directive
Recital 35

Text proposed by the Commission

Amendment

- (35) An appropriate follow-up mechanism should be established to ensure that the outcome of these peer-reviews is properly implemented. Peer reviews should help improve the safety of individual nuclear installations as well as help formulate generic technical safety recommendations and guidelines valid across the Union.

- (35) An appropriate follow-up mechanism should be established to ensure that the outcome of these peer-reviews is properly implemented. Peer reviews should help improve the safety of individual nuclear installations ***in the context of different applications*** as well as help formulate generic technical safety recommendations and guidelines valid across the Union.

Amendment 15
Proposal for a directive
Recital 36

Text proposed by the Commission

Amendment

- (36) In case the Commission identifies substantial deviations or delays in the implementation of the technical recommendations from the peer review process, the Commission should invite the competent regulatory authorities of Member States not concerned to organise and carry out a verification mission with the aim of getting a full picture of the situation and informing the Member State concerned about possible measures to remedy any identified shortcomings.

- (36) In case the Commission, ***in close coordination with ENSREG***, identifies substantial deviations or delays in the implementation of the technical recommendations from the peer review process, the Commission should invite the competent regulatory authorities of Member States not concerned to organise and carry out a verification mission with the aim of getting a full picture of the situation and informing the Member State concerned about possible measures to remedy any identified shortcomings.

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Amendment 16
Proposal for a directive
Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) *ENSREG, which has the experience of the European stress tests exercise and is composed of all Union nuclear safety regulators and the Commission, should be closely involved in the selection of the topics subject to regular peer reviews, in the organisation of those topical peer reviews and in ensuring their follow-up, in particular regarding implementation of the recommendations.*

Amendment 17
Proposal for a directive
Article 1 — point 2

Directive 2009/71/Euratom

Article 1 — point c

Text proposed by the Commission

Amendment

(c) to ensure that Member States shall provide for appropriate national arrangements so that nuclear installations are designed, sited, constructed, commissioned, operated or decommissioned so as to **avoid** unauthorised radioactive releases.

(c) to ensure that Member States shall provide for appropriate national arrangements so that nuclear installations are designed, sited, constructed, commissioned, operated or decommissioned so as to **limit** unauthorised radioactive releases **to a minimum**.

Amendment 18
Proposal for a directive
Article 1 — point 2 a (new)

Directive 2009/71/EURATOM

Article 1 — point d (new)

Text proposed by the Commission

Amendment

(2a) *In Article 1, the following point is added:*

‘(d) to promote and enhance nuclear safety culture.’;

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Amendment 19**Proposal for a directive****Article 1 — point 4**

Directive 2009/71/Euratom

Article 3 — point 7

*Text proposed by the Commission**Amendment*

7. **'abnormal event'** means any unintended occurrence the consequences, or potential consequences of which are not negligible from the point of view of protection or nuclear safety;

*deleted***Amendment 20****Proposal for a directive****Article 1 — point 4**

Directive 2009/71/Euratom

Article 3 — point 7 a (new)

*Text proposed by the Commission**Amendment*

7a. **'incident'** means any unintended event, including operating errors, equipment failures, initiating events, accident precursors, near misses or other mishaps, or unauthorised act, malicious or non-malicious, the consequences or potential consequences of which are not negligible from the point of view of protection or safety;

Amendment 21**Proposal for a directive****Article 1 — point 4**

Directive 2009/71/Euratom

Article 3 — point 8

*Text proposed by the Commission**Amendment*

8. 'accident' means any **unplanned** event, including operating errors, equipment failures and other mishaps, the consequences or potential consequences of which are not negligible from the point of view of protection or nuclear safety;

8. 'accident' means any **unintended** event, including operating errors, equipment failures and other mishaps, the consequences or potential consequences of which are not negligible from the point of view of protection or nuclear safety;

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Amendment 22

Proposal for a directive

Article 1 — point 4

Directive 2009/71/Euratom

Article 3 — point 8 a (new)

Text proposed by the Commission

Amendment

8a. ‘accident conditions’ are deviations from normal operation that are less frequent and more severe than anticipated operational occurrences, and which include design basis accidents and design extension conditions;

Amendment 23

Proposal for a directive

Article 1 — point 4

Directive 2009/71/Euratom

Article 3 — point 12

Text proposed by the Commission

Amendment

12. ‘reasonably **achievable**’ means that, in addition to meeting the requirements of good practice in engineering, further safety or risk reduction measures for the design, commissioning, operation or decommissioning of a nuclear installation should be sought and that these measures should be implemented unless **it can be demonstrated** that they are grossly disproportionate with regard to the safety benefit they would confer;

12. ‘reasonably **practicable**’ means that, in addition to meeting the requirements of good practice in engineering, further safety or risk reduction measures for the design, commissioning, operation or decommissioning of a nuclear installation should be sought and that these measures should be implemented unless **the national regulatory authority accepts** that they are **demonstrated to be** grossly disproportionate with regard to the safety benefit they would confer;

(The amendment from ‘reasonably achievable’ to ‘reasonably practicable’ applies throughout the text. This will necessitate corresponding changes throughout.)

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Amendment 24**Proposal for a directive****Article 1 — point 4**

Directive 2009/71/Euratom

Article 3 — point 13

Text proposed by the Commission

13. 'design basis' means the range of conditions and events taken explicitly into account in the design of an installation, according to established criteria, so that the installation can withstand them without exceeding authorised limits by the planned operation of safety systems;

Amendment

13. 'design basis' means the range **and cumulative effect** of conditions and events taken explicitly into account in the design of an installation, according to established criteria, so that the installation can withstand them without exceeding authorised limits by the planned operation of safety systems;

Amendment 25**Proposal for a directive****Article 1 — point 4**

Directive 2009/71/Euratom

Article 3 — point 14

Text proposed by the Commission

14. 'design basis accident' means accident conditions **against** which **an installation** is designed **according to** established criteria, **and for which the damage to the fuel and the release** of radioactive material are kept within **authorised** limits;

Amendment

14. 'design basis accident' means **an accident causing** accident conditions **for** which **a facility** is designed **in accordance with** established **design** criteria **and conservative methodology, and for which releases** of radioactive material are kept within **acceptable** limits;

Amendment 26**Proposal for a directive****Article 1 — point 4**

Directive 2009/71/Euratom

Article 3 — point 15

Text proposed by the Commission

15. **'beyond design basis accident' means an accident which is possible, but was not fully considered in the design because it was judged to be too unlikely;**

*Amendment***deleted**

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Amendment 27

Proposal for a directive

Article 1 — point 4

Directive 2009/71/Euratom

Article 3 — point 16 a (new)

Text proposed by the Commission

Amendment

16a. *'design extension conditions' are accident conditions that are not considered for design basis accidents, but that are considered in the design process of the facility in accordance with best estimate methodology, and for which releases of radioactive material are kept within acceptable limits. Design extension conditions could include severe accident conditions.*

Amendment 28

Proposal for a directive

Article 1 — point 4

Directive 2009/71/Euratom

Article 3 — point 17 a (new)

Text proposed by the Commission

Amendment

17a. *'verification' means an investigation process while it is ensured that products of the phase of system, system component, method, calculation tool, computer program, development and production meet all requirements of the previous phase.*

Amendment 29

Proposal for a directive

Article 1 — point 4

Directive 2009/71/Euratom

Article 3 — point 17 b (new)

Text proposed by the Commission

Amendment

17b. *'severe accident' means accident conditions more severe than a design basis accident and involving significant core degradation.*

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Amendment 30**Proposal for a directive****Article 1 — point 6 — point a**

Directive 2009/71/Euratom

Article 4 — paragraph 1

Text proposed by the Commission

1. Member States shall establish and maintain a national legislative, regulatory and organisational framework (hereinafter referred to as the 'national framework') for nuclear safety of nuclear installations that allocates responsibilities and provides for coordination between relevant state bodies. The national framework shall provide in particular for:

Amendment

1. Member States shall establish and maintain a national legislative, regulatory, **administrative** and organisational framework (hereinafter referred to as the 'national framework') for nuclear safety of nuclear installations that allocates responsibilities and provides for coordination between relevant state bodies. The national framework shall provide in particular for:

Amendment 31**Proposal for a directive****Article 1 — point 7**

Directive 2009/71/Euratom

Article 5 — paragraph 2 — point a

Text proposed by the Commission

(a) is **functionally** separate from any other public or private entity concerned with the promotion or utilisation of nuclear energy or electricity production;

Amendment

(a) is **legally** separate from any other public or private entity concerned with the promotion or utilisation of nuclear energy or electricity production;

Amendment 32**Proposal for a directive****Article 1 — point 7**

Directive 2009/71/Euratom

Article 5 — paragraph 2 — point c

Text proposed by the Commission

(c) **takes** regulatory **decisions**, founded on objective and verifiable safety-related criteria;

Amendment

(c) **establishes a transparent** regulatory **decision-making process**, founded on objective and verifiable safety-related criteria;

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Amendment 33

Proposal for a directive

Article 1 — point 7

Directive 2009/71/Euratom

Article 5 — paragraph 2 — point d

Text proposed by the Commission

(d) has its own appropriate budget allocations, with autonomy in the implementation of the allocated budget. The financing mechanism and the budget allocation process shall be clearly defined in the national framework;

Amendment

(d) has its own appropriate budget allocations, with autonomy in the implementation of the allocated budget. The financing mechanism and the budget allocation process shall be clearly defined in the national framework **and should include provisions for the adequate generation of new and management of existing knowledge, expertise and skills;**

Amendment 34

Proposal for a directive

Article 1 — point 7

Directive 2009/71/Euratom

Article 5 — paragraph 2 — point e

Text proposed by the Commission

(e) employs an appropriate number of staff **with** the necessary qualifications, experience and expertise;

Amendment

(e) employs an appropriate number of staff, **all of whom, in particular politically appointed board members, possess** the necessary qualifications, experience and expertise **to fulfil its obligations and that have access to external scientific and technical resources and supporting expertise as far as considered necessary in support of its regulatory functions and in accordance with the principles of transparency, independence and integrity of regulatory processes;**

Amendment 35

Proposal for a directive

Article 1 — point 7

Directive 2009/71/Euratom,

Article 5 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Persons with executive responsibility within the competent regulatory authority shall be appointed according to clearly defined procedures and requirements for appointment. They may be relieved from office during their term especially if they do not comply with the requirements of independence set out in this Article or have been guilty of misconduct under national law. An appropriate cooling-off period for posts with a potential conflict of interest shall be defined.

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Amendment 36**Proposal for a directive****Article 1 — point 7**

Directive 2009/71/Euratom

Article 5 — paragraph 3 — point e

Text proposed by the Commission

(e) to carry out enforcement actions, including suspending the operation of a nuclear installation in accordance with the conditions defined by the national framework referred to in Article 4(1).

Amendment

(e) to carry out enforcement actions, including **penalties in accordance with Article 9a and** suspending the operation of a nuclear installation in accordance with the conditions defined by the national framework referred to in Article 4(1);

Amendment 37**Proposal for a directive****Article 1 — point 7**

Directive 2009/71/Euratom

Article 5 — paragraph 3 — point f (new)

*Text proposed by the Commission**Amendment*

(f) to provide appropriate conditions for the research and development activities needed to develop the necessary knowledge base and to support the management of expertise for the regulatory process.

Amendment 64**Proposal for a directive****Article 1 — point 8 — point a**

Directive 2009/71/Euratom

Article 6 — paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the national framework requires that the **prime** responsibility for the nuclear safety of a nuclear installation rests with the licence holder. This responsibility cannot be delegated.

Amendment

1. Member States shall ensure that the national framework requires that the **sole** responsibility for the nuclear safety of a nuclear installation rests with the licence holder. This responsibility cannot be delegated. **Nuclear operators and waste licensees shall be fully insured and all insurance costs as well as liabilities and costs for damage caused to people and the environment in the case of accidents shall be fully covered by the operators and licensees.**

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Amendment 65

Proposal for a directive

Article 1 — point 8 — point b

Directive 2009/71/Euratom

Article 6 — paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the national framework requires licence holders, under the supervision of the competent regulatory authority, to regularly assess and verify, and continuously improve, **as far as reasonably achievable**, the nuclear safety of their nuclear installations in a systematic and verifiable manner.

Amendment

2. Member States shall ensure that the national framework requires licence holders, under the supervision of the competent regulatory authority, to regularly assess and verify, and continuously improve, the nuclear safety of their nuclear installations in a systematic and verifiable manner.

Amendment 38

Proposal for a directive

Article 1 — point 8 — point d

Directive 2009/71/Euratom

Article 6 — paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the national framework requires licence holders to establish and implement management systems which give due priority to nuclear safety and are regularly verified by the competent regulatory authority.

Amendment

4. Member States shall ensure that the national framework requires licence holders to establish and implement management systems which give due priority to nuclear safety, **including promotion and enhancement of a nuclear safety culture**, and are regularly verified by the competent regulatory authority.

Amendment 39

Proposal for a directive

Article 1 — point 8 — point f

Directive 2009/71/Euratom

Article 6 — paragraph 5

Text proposed by the Commission

5. Member States shall ensure that the national framework requires licence holders to provide for and maintain adequate financial and human resources, with appropriate qualifications, expertise and skills, to fulfil their obligations with respect to nuclear safety of a nuclear installation, laid down in paragraphs 1 to 4a of this Article and Articles 8a to 8d of this Directive. These obligations also extend to subcontracted workers.

Amendment

5. Member States shall ensure that the national framework requires licence holders to provide for and maintain adequate financial and human resources, with appropriate qualifications, expertise and skills, to fulfil their obligations with respect to nuclear safety of a nuclear installation, laid down in paragraphs 1 to 4a of this Article and Articles 8a to 8d of this Directive, **including during and after its decommissioning**. These obligations also extend to subcontracted workers.

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Amendment 40**Proposal for a directive****Article 1 — point 9**

Directive 2009/71/Euratom

Article 7

Text proposed by the Commission

Member States shall ensure that the national framework requires all parties to make arrangements for education, training and exercise for their staff having responsibilities relating to the nuclear safety of nuclear installations and to on-site emergency preparedness and response arrangements, in order to build up, maintain and to further develop up-to-date and mutually recognised expertise and skills in nuclear safety.

Amendment

Member States shall ensure that the national framework requires all parties to make arrangements for education, **continuous** training and exercise for their staff having responsibilities relating to the nuclear safety of nuclear installations and to on-site emergency preparedness and response arrangements, in order to build up, maintain and to further develop up-to-date and mutually recognised expertise and skills in nuclear safety.

Amendment 41**Proposal for a directive****Article 1 — point 9**

Directive 2009/71/Euratom

Article 8

Text proposed by the Commission

Transparency

1. Member States shall ensure that up to date **and timely** information in relation to nuclear safety of nuclear installations and related risks is made available to workers and the general public, with specific consideration to those living in the vicinity of a nuclear installation.

The obligation established in the first subparagraph includes ensuring that the competent regulatory authority and the licence holders, within their fields of responsibility, develop, publish and implement a transparency strategy covering, inter alia, information on normal operating conditions of nuclear installations, **non-mandatory** consultation activities with the workers and the general public and communication in case of **abnormal events** and accidents.

Amendment

Transparency

1. Member States shall ensure that up to date information in relation to nuclear safety of nuclear installations and related risks is made available to workers and the general public **without undue delay**, with specific consideration to those living in the vicinity of a nuclear installation. **A widespread and transparent communication process shall be ensured including, where appropriate, by regular information and consultation of citizens.**

The obligation established in the first subparagraph includes ensuring that the competent regulatory authority and the licence holders, within their fields of responsibility, develop, publish and implement a transparency strategy covering, inter alia, information on normal operating conditions of nuclear installations, consultation activities with the workers, **where appropriate**, and the general public, and **immediate** communication in case of **incidents** and accidents. **It shall also cover significant information such as siting, construction, extension, commissioning, operation, operation beyond design service life, final shutdown and decommissioning.**

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Text proposed by the Commission

2. Information shall be made available to the public in accordance with applicable Union and national legislation and international obligations, provided that this does not jeopardise other overriding interests, such as security, recognised in national legislation or international obligations.

3. Member States shall ensure that the public shall be given early and effective opportunities to participate in the **licensing process** of nuclear installations, in accordance with relevant Union and national legislation and international obligations.

Amendment

2. Information shall be made available to the public in accordance with applicable Union and national legislation and international obligations, provided that this does not jeopardise other overriding interests, such as security, recognised in national legislation or international obligations.

3. Member States shall ensure that the public shall be given early and effective opportunities to participate in the **environmental impact assessment** of nuclear installations, in accordance with relevant Union and national legislation and international obligations, **in particular the Aarhus Convention**.

Amendment 42

Proposal for a directive

Article 1 — point 10

Directive 2009/71/Euratom

Article 8a

Text proposed by the Commission

Safety objective for nuclear installations

1. Member States shall ensure that the national framework requires that nuclear installations are designed, sited, constructed, commissioned, operated and decommissioned with the objective of **avoiding potential** radioactive releases by:

(a) practically eliminating the occurrence of all accident sequences which would lead to early or large releases;

(b) **for accidents that have not been practically eliminated**, implementing design measures so that only limited protective measures in area and time are needed for the public and that sufficient time is available to implement these measures, and that the frequency of such accidents is minimised.

Amendment

Safety objective for nuclear installations

1. Member States shall ensure that the national framework requires that nuclear installations are designed, sited, constructed, commissioned, operated and decommissioned with the objective of **preventing accidents and radioactive releases and, should an accident occur, mitigating its effects and preventing** radioactive releases **and large, long-term, off-site contamination** by:

(a) practically eliminating the occurrence of all accident sequences which would lead to early or large releases **to a level as low as reasonably practicable**;

(b) **in the event of an accident**, implementing design measures so that only limited protective measures in area and time are needed for the public and that sufficient time is available to implement these measures, and that the frequency of such accidents is minimised.

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*Text proposed by the Commission**Amendment*

2. Member States shall ensure that the national framework requires that the objective set out in paragraph 1 applies to existing nuclear installations to the extent reasonably **achievable**.

2. Member States shall ensure that the national framework requires that the objective set out in paragraph 1 applies **in full to nuclear installations for which a construction licence is granted for the first time after ... (*)** and to existing nuclear installations to the extent reasonably **practicable**.

(*) **Date of entry into force of this Directive.**

Amendment 43

Proposal for a directive

Article 1 — point 10

Directive 2009/71/Euratom

Article 8b

*Text proposed by the Commission**Amendment*

Implementation of the safety objective for nuclear installations

Implementation of the safety objective for nuclear installations

In order to achieve the safety objective set out in Article 8a, Member States shall ensure that the national framework requires that nuclear installations are:

In order to achieve the safety objective set out in Article 8a, Member States shall ensure that the national framework requires that nuclear installations are:

(a) sited so that due consideration is provided to **avoid, where possible**, external natural and man-made hazards and minimise their impact;

(a) sited so that due consideration is provided to **prevent** external natural and man-made hazards and minimise their impact;

(b) designed, constructed, commissioned, operated and decommissioned based on the defence-in-depth concept so that:

(b) designed, constructed, commissioned, operated and decommissioned based on the defence-in-depth concept so that:

(i) radiation doses to workers and the general public do not exceed **prescribed** limits and are kept as low as reasonably **achievable**;

(i) radiation doses to workers and the general public do not exceed **authorised** limits and are kept as low as reasonably **practicable**;

(ii) the occurrence of **abnormal events** is minimised;

(ii) the occurrence of **incidents** is minimised;

(iii) the potential for escalation to accident situations is reduced by enhancing the nuclear installations' capability to effectively manage and control **abnormal events**;

(iii) the potential for escalation to accident situations is reduced by enhancing the nuclear installations' capability to effectively manage and control **incidents should they nevertheless occur**;

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Text proposed by the Commission

- (iv) harmful consequences of **abnormal events** and design basis accidents, should they occur, are mitigated to ensure that they induce no off-site radiological impact, or only minor radiological impact;
- (v) external natural and man-made hazards **are avoided, where possible**, and their impact is **minimised**.

Amendment

- (iv) harmful consequences of **incidents** and design basis accidents, should they **nevertheless** occur, are mitigated to ensure that they induce no off-site radiological impact, or only minor radiological impact;
- (v) **the frequency of** external natural and man-made hazards **is minimised**, and their impact is **as low as reasonably practicable**.

Amendment 44

Proposal for a directive

Article 1 — point 10

Directive 2009/71/Euratom

Article 8c

Text proposed by the Commission

Methodology for siting, design, construction, commissioning, operation and decommissioning of nuclear installations

1. Member States shall ensure that the national framework requires that the licence holder, under the supervision of the competent regulatory authority:

- (a) regularly evaluates the radiological impact of a nuclear installation on workers, the general public and air, water and soil, in both normal operating and in both operating and accident conditions;
- (b) defines, documents and re-assesses regularly and at least every **ten** years, the design basis of nuclear installations through a periodic safety review, and supplements it by a design extension analysis, to ensure that all reasonably practicable improvement measures are implemented;
- (c) ensures that the design extension analysis covers all accidents, events and combination of events, including internal and external natural or man-made hazards and severe accidents, leading to conditions not included in the design basis accidents;
- (d) establishes and implements strategies to mitigate both design basis and beyond-design basis accidents;

Amendment

Methodology for siting, design, construction, commissioning, operation and decommissioning of nuclear installations

1. Member States shall ensure that the national framework requires that the licence holder, under the supervision of the competent regulatory authority:

- (a) regularly evaluates the radiological impact of a nuclear installation on workers, the general public and air, water and soil, in both normal operating and in both operating and accident conditions;
- (b) defines, documents and re-assesses regularly and at least every **eight** years, the design basis of nuclear installations through a periodic safety review, and supplements it by a design extension analysis, to ensure that all reasonably practicable improvement measures are implemented;
- (c) ensures that the design extension analysis covers all accidents, events and combination of events, including internal and external natural or man-made hazards and severe accidents, leading to conditions not included in the design basis accidents;
- (d) establishes and implements strategies to mitigate both design basis and beyond-design basis accidents;

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*Text proposed by the Commission**Amendment*

(e) implements Severe Accident Management Guidelines for all nuclear power plants and, if appropriate, other nuclear installations, covering all operational conditions, accidents in the spent fuel pools and long-duration events;

(e) implements Severe Accident Management Guidelines for all nuclear power plants and, if appropriate, other nuclear installations, covering all operational conditions, accidents in the spent fuel pools and long-duration events;

(f) carries out a specific safety review for nuclear installations which the competent regulatory authority considers to be close to the limit of their operating lifetime as originally foreseen, and for which an extension of the lifetime is requested.

(f) carries out a specific safety review for nuclear installations which the competent regulatory authority considers to be close to the limit of their operating lifetime as originally foreseen, and for which an extension of the lifetime is requested. **Any measures mandated by the regulatory authority to prevent beyond-design basis accidents shall be implemented before an extension of lifetime is authorised.**

2. Member States shall ensure that the national framework requires that the granting or the review of a licence to construct and/or operate a nuclear installation should be based upon an appropriate site- and installation-specific safety assessment.

2. Member States shall ensure that the national framework requires that the granting or the review of a licence to construct and/or operate a nuclear installation should be based upon an appropriate site- and installation-specific safety assessment **including on-site inspections by the national authority.**

3. Member States shall ensure that the national framework requires, for nuclear power plants and, if applicable, for research reactor facilities, for which a construction licence is sought for the first time, that the competent regulatory authority obliges the applicant to demonstrate that the design practically limits the effects of a reactor core damage to within the containment.

3. Member States shall ensure that the national framework requires, for nuclear power plants and, if applicable, for research reactor facilities, for which a construction licence is sought for the first time, that the competent regulatory authority obliges the applicant to demonstrate that the design practically limits the effects of a reactor core damage to within the containment.

Amendment 45

Proposal for a directive

Article 1 — point 10

Directive 2009/71/Euratom

Article 8d

*Text proposed by the Commission**Amendment*

On-site emergency preparedness and response

On-site emergency preparedness and response

Member States shall ensure that the national framework requires that the licence holder, under the supervision of the competent regulatory authority:

Member States shall ensure that the national framework requires that the licence holder, under the supervision of the competent regulatory authority:

(a) prepares and regularly updates an on-site emergency plan which shall:

(a) prepares and regularly updates, **at least every eight years**, an on-site emergency plan which shall:

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Text proposed by the Commission

Amendment

- | | |
|---|--|
| <p>(i) be based on an assessment of events and situations that may require protective measures on-site or off-site;</p> <p>(ii) be co-ordinated with all other bodies involved and shall draw on lessons learned from the feedback of experience from severe events, should they occur;</p> <p>(iii) address in particular events that could impact multiple units of a nuclear installation;</p> | <p>(i) be based on an assessment of events and situations that may require protective measures on-site or off-site;</p> <p>(ii) be co-ordinated with all other bodies involved and shall draw on lessons learned from the feedback of experience from severe events, should they occur;</p> <p>(iii) address in particular events that could impact multiple units of a nuclear installation;</p> <p>(iiia) take into consideration cumulative risks associated with the presence nearby of other hazardous (Seveso III-type) industrial installations;</p> |
| <p>(b) establishes the necessary organisational structure for clear allocation of responsibilities and ensures the availability of necessary resources and assets;</p> | <p>(b) establishes the necessary organisational structure for clear allocation of responsibilities and ensures the availability of necessary resources and assets;</p> |
| <p>(c) puts in place arrangements for co-ordinating on-site activities and co-operating with authorities and agencies responsible for emergency response throughout all phases of an emergency, that should be regularly exercised;</p> | <p>(c) puts in place arrangements for co-ordinating on-site activities and co-operating with authorities and agencies responsible for emergency response throughout all phases of an emergency, that should be regularly exercised;</p> |
| <p>(d) provides for preparedness measures for the workers on-site with regard to potential abnormal events and accidents;</p> | <p>(d) provides for preparedness measures for the workers on-site with regard to potential incidents and accidents;</p> |
| <p>(e) provides arrangements for cross-border and international cooperation, including pre-defined arrangements for receiving on-site external assistance, if needed;</p> | <p>(e) provides arrangements for cross-border and international cooperation, including pre-defined arrangements for receiving on-site external assistance, if needed;</p> |
| <p>(f) arranges for an on-site emergency response centre, sufficiently protected against natural hazards and radioactivity to ensure its habitability;</p> | <p>(f) arranges for an on-site emergency response centre, sufficiently protected against natural hazards and radioactivity to ensure its habitability in the event of and throughout potential crisis management situations;</p> |
| <p>(g) takes protective measures in case of an emergency in order to mitigate any consequences for human health and for air, water and soil.</p> | <p>(g) takes protective measures in case of an emergency in order to mitigate any consequences for human health and for air, water and soil.</p> |

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Amendment 46**Proposal for a directive****Article 1 — point 11**

Directive 2009/71/Euratom

Article 8e

*Text proposed by the Commission**Amendment*

Peer Reviews

Peer Reviews

1. Member States shall at least every **ten** 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 competent regulatory authorities with the aim of continuously improving nuclear safety. Outcomes of any peer review shall be reported to the Member States and the Commission, when available.

1. Member States shall at least every **eight** 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 competent regulatory authorities with the aim of continuously improving nuclear safety. Outcomes of any peer review shall be reported to the Member States and the Commission, when available. ***The European Parliament shall be regularly informed about the results of the peer reviews as well as about related measures and plans.***

2. Member States, with the support of the competent regulatory authorities, shall periodically arrange, and at least every six years, a system of topical peer reviews and agree on a time-frame and the modalities for implementation. For this purpose Member States shall:

2. Member States, with the support of the competent regulatory authorities, shall periodically arrange, and at least every six years, a system of topical peer reviews, and agree on a time-frame and the modalities for implementation. For this purpose Member States, ***in the framework of ENSREG***, shall:

(a) jointly ***and in close coordination with the Commission*** select one or more specific topics related to the nuclear safety of nuclear installations. Should Member States fail to jointly select at least a topic within the time frame specified in this paragraph, the Commission shall select the topics to be the subject of the peer reviews;

(a) jointly select one or more specific topics related to the nuclear safety of nuclear installations. Should Member States fail to jointly select at least a topic within the time frame specified in this paragraph, the Commission shall select the topics to be the subject of the peer reviews;

(b) ***based on*** these topics, perform in close collaboration with licence holders, national assessments and publish the results;

(b) ***assess to what extent*** these topics ***have been addressed and, where needed,*** perform in close collaboration with licence holders, national assessments ***of the installations, to be evaluated by the competent regulatory authority*** and publish the results;

(c) jointly define a methodology, arrange and carry out a peer review of the results of the national assessments referred to in point (b), ***to which the Commission is invited to participate;***

(c) jointly define a methodology, arrange and carry out a peer review of the results of the national assessments referred to in point (b),

(d) publish the results of the peer reviews referred to in point (c).

(d) publish the results of the peer reviews referred to in point (c).

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Text proposed by the Commission

3. Each Member State subject to **the peer review** referred to in paragraph 2 shall arrange for the planning and mode of implementation on its territory of relevant technical recommendations resulting from the peer-review process and **shall inform the Commission thereof**.

4. Should the Commission identify substantial deviations or delays in the implementation of the technical recommendations resulting from the peer review process, the Commission shall invite the competent regulatory authorities of Member States not concerned to organise and carry out a verification mission to get a full picture of the situation and inform the Member State concerned about possible measures to remedy any identified shortcomings.

5. In case of an accident **which leads to an early or large release** or an **abnormal event** leading to situations that would require off-site emergency measures or protecting measures for the public, the Member State concerned shall invite within six months a peer review of the installation concerned in accordance with paragraph 2, **and to which the Commission shall be invited to participate**.

Amendment

2a. The topic of the first topical peer review shall be decided not later than ... (*).

3. Each Member State subject to peer **reviews** referred to in paragraph 2 shall **report the outcomes to all Member States and the Commission and** arrange for the planning and mode of implementation on its territory of relevant technical recommendations resulting from the peer-review process and **publish an action plan reflecting the steps taken**.

4. Should the Commission **in close coordination with ENSREG** identify substantial deviations or delays in the implementation of the technical recommendations resulting from the peer review process, the Commission shall invite the competent regulatory authorities of Member States not concerned to organise and carry out a verification mission to get a full picture of the situation and inform the Member State concerned about possible measures to remedy any identified shortcomings.

5. In case of an accident or an **incident** leading to situations that would require off-site emergency measures or protecting measures for the public, the Member State concerned shall invite within six months a peer review of the installation concerned in accordance with paragraph 2.

(*) **Three years after the entry into force of this Directive.**

Amendment 47

Proposal for a directive

Article 1 — point 11

Directive 2009/71/Euratom

Article 8f

Text proposed by the Commission

Based on the results of the peer reviews performed in accordance with Article 8e(2) and the resulting technical recommendations, in line with the principles of transparency and continuous improvement of nuclear safety, Member States shall, with the support of the competent regulatory authorities, jointly develop and establish guidelines on the specific topics referred to in Article 8e(2)(a).

Amendment

Based on the results of the peer reviews performed in accordance with Article 8e(2) and the resulting technical recommendations, in line with the principles of transparency and continuous improvement of nuclear safety, Member States shall, with the support of the competent regulatory authorities, jointly develop and establish guidelines on the specific topics referred to in Article 8e(2)(a).

The results of the topical peer reviews shall be used to foster discussions in the nuclear community which potentially could lead to the development of a set of harmonised Community nuclear safety criteria in the future.