



Final
Minutes of the 22nd meeting of ENSREG
 23rd January 2013
 Brussels

Participants

Members from all EU Member States as well as the European Commission, with the exception of, Latvia, Malta, and Estonia, were represented in the meeting. Observers from Switzerland, IAEA, JRC and European Council were also present.

1) Introductory address by the ENSREG Chairperson

The Chairperson welcomed the participants and introduced 2 new members of ENSREG

UK : **Mr Colin Patchett**
 Nuclear Installations Inspectorate

ES : **Mr Fernando Marti Scharfhausen**
 Chairman of the Spanish Nuclear Safety Council

2) Adoption of the Agenda

The agenda was approved without change

3) Revised European Directive on Nuclear Safety

HLG_r(2013-22)_171 NSD Version 28-12-2012

The Commission outlined its position for presenting a draft of the directive for consultation rather than an option paper, in the knowledge that versions of the text were already in circulation. Mr. Faross reported Commissioner Oettinger's strong desire that ENSREG would contribute actively towards a quality document and that sufficient time would be given to achieve this result. He stressed the fact that ENSREG was the first body to receive this draft, prepared by DG ENER services. He acknowledged that it may be necessary to treat the document at a WG level in order to arrive at this quality level. He reported that Commissioner Oettinger had agreed to meet ENSREG at their next meeting to discuss the dossier. The EC further indicated that the EC had been requested by Council and the EP to propose legislation in the field of Nuclear Safety following the Fukushima incident.

In drafting the directive DG ENER had attempted to retain the structure of the existing safety directive, focussing on basic principles, while avoiding as far as possible detailed technical prescription. The main areas of change were to be found in safety governance, independence of regulatory bodies, and transparency. New provisions on transparency of regulatory decision making were also proposed.

In the area of general technical requirements, new binding principles had been proposed regarding siting, design and operation of nuclear facilities, these proposals being stimulated by specific stress test findings. The decision had been taken to exclude specific technical details from the directive text, but rather to establish mechanisms to derive these through non-binding recommendations to be issued based on the input of technical work carried out jointly by regulatory bodies.

In the area of monitoring and verification, the current directive prescribes periodic self-assessment of the regulatory framework, while the new proposal extends International peer review to cover the design and operational safety performance of each NPP, with a mandatory notification of the action plan to implement any recommendations to the EC following peer review, to which the EC will express its opinion.

The EC considered that it would be too early to propose changes in the field of off-site emergency preparedness and response and had instead launched a European wide study in the field. The EC considered that it would issue a Communication in this area towards the end of 2013.

It was reminded that the current proposal text had been the result of considerable work and reflection on the part of the Commission services and emphasised that the current consultative step with ENSREG was highly unusual. The EC reminded ENSREG that the text had not undergone the statutory inter-service consultation process at the Commission and as such the EC reserved the right to modify its position in the light of any feedback from this process.

Regulators reactions to the draft text fell broadly into three groups.

AT, LU, IE considered the proposal to be bold and to respect the EP and Council requests in a timely manner. AT requested the possibility to facilitate the formation of local community committees around NPPs and stressed the need of functional separation within Commission Services in case the Commission is to play a stronger role in the European nuclear safety system.

GR and PT presented a specific request in respect of their small scale nuclear research reactor facilities calling on the EC to consider a scaled down minimal legislation threshold to avoid the heavy burden of the full legislation falling on the limited resources of small countries.

Regulators were concerned to varying degrees on the content of the proposal. The following represents a list of issues raised.

In general, regulators:

- Appreciated the Commissioner's statement that "sufficient time would be afforded to the quality of the directive above speed of implementation"
- Acknowledged the need to reassure the public that national regulators had the issue of Nuclear Safety of NPPs well in hand.
- Considered that the proposals presented were radical in their nature, but that they lacked transparency. There was no clear statement on the motivation for the changes, particularly with respect to Art 11-13.
- Questioned the added value that the proposal hoped to deliver, beyond that afforded by the existing regulation.
- Considered that there was a strong need for agreement on the concepts and basic principles for any change, before the drafting of any directive text.
- Considered that in this respect, an options paper would have been a significantly more appropriate starting point for discussions.
- Invited the EC to define a series of "challenges" as a valid agenda for change.
- Reaffirmed that it remained too early for a revision of the existing directive, before a full review of its technical implementation had been undertaken and cautioned against the implementation of a new directive on top of the on-going technical implementation of the first directive, which risked creating unsafe working practices.
- Questioned whether a full quantitative or qualitative analysis of the impact of the regulation on the working practices and necessary resources of regulators had been performed.
- Supported the EC in their ambition to strengthen the national regulatory function but were unclear as to how the EC proposed to identify the appropriate level of resources necessary, or indeed to control its availability.
- Supported the principle for regulatory independence, with the exception of DE, for whom this issue posed serious problems. DE indeed questioned the legal authority of the EC to legislate in this area.

- Informed the EC that the level of technical detail proposed in the directive was in contradiction with many Member States approaches, who delegated this task to the regulatory authority.
- Reminded the EC that while sometimes a useful tool, Peer Review exercises represented a considerable burden and cost on national regulatory bodies. They invited the EC to consider other more efficient mechanisms to achieving the same results. Reminded the EC that peer reviews in Japan had in themselves not prevented the Fukushima incident
- Were generally open to the proposals in the area of transparency but requested clarity on the EC's motivations and requested more precision on what it hoped to achieve in this area.
- Highlighted that the proposal did not address, the more important issue, of operational safety.
- Expressed doubts on the article on "siting"
- Were critical of the new role and responsibilities the EC had afforded itself in the area of "regulatory oversight".
- Reminded the EC that the powers it proposed for itself carried with it significant and important responsibilities.
- Understood that the proposed approach implied a move towards a common European nuclear responsibility beyond national responsibility, and in so doing ruptured the existing fundamental chain of responsibilities.
- Reminded the EC that such a proposal would oblige non-nuclear states to develop a nuclear competence.
- Reminded the EC that as a *de facto* political organisation their proposal on regulatory oversight was in contradiction with the ECs proposal for full political independence of the national regulators.
- Were particularly concerned at the nature of the proposal in Art 13 referring to the establishment of "Recommendations on Community nuclear safety criteria". Questioned the need for such a proposal in the knowledge of the existing work performed in this area by IAEA and WENRA.

ENSREG as a whole expressed their desire to react constructively to the proposal and appreciated the opportunity afforded to them to do so by Commissioner Oettinger. To this end ENSREG approved the creation of an *ad hoc* WG under the chairmanship of F.Hassel (SE). This group would meet twice during February 2013 to establish an ENSREG position. This position would be presented to the next ENSREG plenary in March 2013.

The EC appreciated ENSREG's open and constructive feedback. The EC appreciated the desire from ENSREG to enter into discussion on the principles, scope and demonstrated added value of the proposal but considered that the need to wait for feedback from the technical implementation of the existing regulation was a non-argument.

The EC pointed out that as an example of its motivations for change, some identified issues highlighted by the Chernobyl accident had not been implemented by national regulators and it was these types of issues which the EC wanted to highlight. EC stated that it understood the principle of national independence of the regulators but reminded Members of the need for change.

On the issues of siting and technical specification the EC had no desire to 'reinvent the wheel' and recognised the IAEA and WENRA work and expertise in this area.

On the issue of independence of the regulator, it was the functional and legal independence from political lines that was the ambition and that there might be some potential for MSs to achieve and demonstrate this end result in different ways.

On the issue of definitions these would certainly be checked and harmonised. Additionally the EC would consider potential solutions to minimise the burden on small countries with limited nuclear facilities.

With regard to the follow-up steps the EC highlighted that the dossier was of the highest priority to Commissioner Oettinger. While the EC would not present a "principle paper", it did encourage ENSREG to discuss the issues of principles and added value as well as technical issues, with a view to establishing an ENSREG position.

ENSREG announced and approved the formation of an *ad hoc* working group, chaired by F.Hassel, to examine the EC proposal and to establishing an ENSREG summary position. The work would be guided by a focus on the issues of principles, objectives, reasoning, added value brought by any proposal, and alignment with national responsibilities. Countries were invited to announce their participation. The group would meet twice, towards the beginning and end of February and would strive to be in a position to present, at least a draft position, by the time of the next ENSREG meeting in March.

On the stress tests follow up, the EC thanked MSs for the timely submission of their national action plans. The EC reported that it had received feedback from some MSs on the Commission's Stress Test communication staff working document and would invite final comments and corrections to the document before reissuing it.

4) ENSREG Conference

HLG_r(2013-22)_179 Présentation euroconference - point à ENSREG 130123

Mr Pallier offered a short status report on the preparations for the ENSREG conference. He reported that the conference dates of 11-12 June had been confirmed and that the conference budget of €50,000 had been agreed, together with a scheme for distribution of costs amongst MSs. Work was on-going to define the session themes, and to engage session chairs and speakers. 5 sessions were currently envisaged

1. State of play, what has Europe learnt about nuclear safety since the Fukushima accident
2. Challenges for the way forward
3. Responding to nuclear emergencies
4. EU legislative instruments and initiatives
5. Debate on the European contribution to the future of nuclear safety

The EC confirmed its provision of secretariat support to the conference as in previous years.

Mr Pallier reassured MSs that there would be sufficient capacity for delegates, and that a video streamed overflow area had been foreseen to accommodate unforeseen excess participations.

5.1.1) ENSREG National Action Plan Workshop

HLG_r(2013-22)_172 ENSREG WG1 TF for NAcP Status workshop v14-12-12

HLG_r(2013-22)_173 ENSREG NAcP_Wshop_April 2013_2013-01-11

Dr. Klonk presented a revised and streamlined proposal for the ENSREG National Action Plans Workshop. He proposed a process of "peer review via common discussion" covering topics 1-3 of the Stress Test process. The event would take place in Brussels between 22nd -26th April 2013. To assist in the operation of the event he proposed the nomination of 2 vice-chairs, (Kirsi Alm-Lytz / Finland and Kilian Smith / Ireland) and 12 yet to be nominated rapporteurs. The rapporteurs would compile comments and questions from a pre-workshop reading/review phase and would forward these to the countries concerned. During the event the rapporteurs would record and collate the content of the discussion sessions, before drafting the workshop report. The following outline programme for the week was proposed.

Monday	- Opening Session Common plenary presentations and discussions
Tuesday	- Common plenary presentations and discussions
Wednesday	- Common plenary presentations and discussions
Thursday	- Presentations of rapporteurs
Friday	- Closing plenary Initial comments on draft report Presidents statement

Press conference – ENSREG chair and conference president

The common plenary discussions on each country National Action Plan report would take the form of a 15 minute presentation followed by a 45 minute discussion. Rapporteurs would present back to the plenary on the Thursday, before the preparation of a summary report. Results would be presented to ENSREG conference in June.

The proposed format of the event and the nominated vice chairs were approved by ENSREG

Attention was drawn to the potential clash with of the workshop and the CNS Transparency meeting in the same week. Attempts would be made to defer the CNS meeting to alleviate this problem.

LT supported the plan and suggests the title "**top level technical review**" which was endorsed

SI reported that they could not be in full agreement with the plan but would conform to it nevertheless, stating that as a function of their limited resources they may not be able to participate. A request was made to the EC, if they could finance the attendance of members to the workshop. The secretariat agreed to investigate possibilities while ENSREG would make a formal request for such assistance.

AT suggested that the EC might commit to support such actions in the context of the next Nuclear Safety Directive. They further reiterated the need to establish a communication strategy for the event. There was also a strong need to explain why only the first 3 issues of the stress tests exercise had been adopted for peer review. They considered it important that the workshop report be endorsed by the final plenary session.

Programme and form of the workshop were approved by ENSREG as well as the concept of the 2 vice-chairs and 12 rapporteurs. Countries were invited to nominate their rapporteurs before 30th January 2013. ENSREG reaffirmed that the Workshop would be an internal, and not a public event.

In relation to the ENSREG Action Plan, §17.a) *ENSREG will ask HERCA and WENRA jointly to develop improved guidance on mutual assistance between regulators (WENRA action item I.4)*, Mr Majerus in his function as chairperson of the HERCA WG-Emergencies, informed the participants that the common work between HERCA and WENRA on this point had started. He reported that this cooperation would help to achieve a comprehensive overview of both nuclear safety and radiological aspects and that both organisations were ready to inform ENSREG of their results, while remaining otherwise independent organisations. The ENSREG chair accepted this approach and proposed to stay in contact concerning the matter.

5.2

5.2.1 WG Rules of procedure

HLG_r(2012-21)_161 ENSREG WG Rules of Procedure - Draft

WG3 reported that they had analysed the proposed Rules of Procedure for ENSREG WGs and found them to be fit for purpose, but that it considered that making working group documents not public should be revisited in due time. ENSREG approved them for a period of 12 months after which they would be reviewed.

The EC reminded ENSREG that even ENSREG restricted minutes and documents would have to be made available should there be an external request under the freedom of information act.

5.2.2 ENSREG Website

HLG_r(2013-22)_175 Summary of updates to website since 6 September 2012

HLG_r(2013-22)_176 ENSREG Website Maintenance Protocol rev (WGTA proposal)

HLG_r(2013-22)_177 ENSREG Website Criteria for material to be uploaded (WGTA proposal)

HLG_r(2013-22)_178 ENSREG Website Statistics

HLG_r(2013-22)_180 Progress Report for WG3

Mr. Molin presented recent statistics on the ENSREG website usage which had highlighting a significant peak in access on the 4th October 2012 associated with the EC stress test communication.

WG3 proposed rules for upload of material to the ENSREG website and an updated website maintenance protocol, both of which were approved. The facility to access ENSREG public documents via the website was now functional and all stress test reports and National Action Plan reports had also been uploaded. A proposal to publish photos of all ENSREG members as well as of their contact details was defeated however countries were encouraged to update their country profiles on the website. The popup windows, accessible via the map on the ENSREG website's main page are now linked to the country profiles. It was decided that the membership of ENSREG as well as of its working groups shall be updated and published on the ENSREG website, presenting names and affiliation but no contact details. An organisational chart, showing the structure of ENSREG will be developed and presented at the ENSREG website with photos of the Chair, the Vice Chairs and the WG Chairs. Finally it was decided, that visitors should be referred to the NROs regarding country specific questions but that for ENSREG related issues a contact point in the ENSREG Secretariat will be established and published at the ENSREG website.

5.2.3 The 3rd ENSREG Report

HLG_r(2013-22)_174 Template ENSREG Report 2013 WGTA proposal

Mr. Molin reported that the 3rd ENSREG report to Council and European Parliament was due in July 2013 and suggested that it would be pertinent if it could also be presented at the ENSREG conference in June 2013. He presented a template for the structure of the 3rd ENSREG report together with an outline timetable for its preparation. He drew attention to the need to consider the synchronisation of the work packages and the reporting period, and suggested inviting a range of other stakeholders to comment on the work of ENSREG as well as to engage the opinions of EC and the EP.

The template and timetable for the preparation of the ENSREG report was approved by ENSREG.

6. AOB

6.1 Emergency preparedness and response study

The EC announced the recent start of a contract for a study on the subject of emergency preparedness and response. ENSREG members were invited to identify a national contact point to whom the contractor could address himself. An invitation would be sent by the secretariat to initiate this matter.

6.2 Vice-Chairmanship of Mr. Molin

Mr. Molin advised ENSREG that the period of his vice-chairmanship of ENSEG was coming to an end. Mr. Molin accepted the invitation from the chair to continue in his post and this was endorsed by ENSREG for a further period of 2 years.

6.3 WENRA status of WG implementing lessons learned from the Fukushima accident

HLG_p(2013-22)_182 WENRA status Fuku WGs Jan 13

Mr Hans Wanner gave a short presentation on the scope of the work performed by WENRA in the context of the Fukushima accident. He offered to make a more extensive presentation of the work of WENRA to the EC in Luxembourg. This offer was accepted.

6.4 Taiwan

The EC reported that they had received approximately 6 offers to assist with the request of Taiwan for a peer review of their stress test exercise. Countries reaffirmed their willingness to participate within the context of an "EU Mission". The EC would transmit this response to the Taiwanese authorities and would report back with more detailed information in due course.

Next meeting will be held on 6th March based on the progress of the ad hoc WG and the availability of Commissioner Oettinger.

Meeting documents
HLG_p(2012-21)_161 ENSREG WG Rules of Procedure - Draft
HLG_r(2013-22)_171 NSD Version 28-12-2012
HLG_p(2013-22)_172 Terms of Reference for the National Action Plan Workshop to be held 22-26 April 2013
HLG_p(2013-22)_173 ENSREG NAcP_Wshop_April 2013_2013-01-11
HLG_p(2013-22)_174 Template ENSREG Report 2013 WGTA proposal
HLG_p(2013-22)_175 Summary of updates to website since 6 September 2012
HLG_p(2013-22)_176 ENSREG Website Maintenance Protocol rev (WGTA proposal)
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HLG_p(2013-22)_180 Progress Report for WG3
HLG_p(2013-22)_181 Chairmans Statement ENSREG 22
HLG_p(2013-22)_182 WENRA status Fuku WGs Jan 13