

**EUROPEAN HIGH LEVEL GROUP ON
NUCLEAR SAFETY AND WASTE MANAGEMENT
REVISED RULES OF PROCEDURE**

The European High Level Group on Nuclear Safety and Waste Management (ENSREG¹),

having regard to the Council Conclusions on Nuclear Safety and Safe Management of Spent Nuclear Fuel and Radioactive Waste of 8 May 2007 and the Commission Decision of 17 July 2007 on establishing the European High Level Group on Nuclear Safety and Waste Management;

considering that the aim of the ENSREG shall be to maintain and further improve the safety of nuclear installations and the safety of the management of spent fuel and radioactive waste;

considering that the ENSREG shall fully respect the prerogatives of the Member States of the European Union (EU) and of the EU institutions, and the institutional balance established by the Euratom Treaty;

considering the importance of independent national regulatory authorities and their decisions concerning safety;

considering the determination of the Council of the EU, as promulgated by the European Commission, that the ENSREG should be composed of the heads of the national regulatory or safety authorities competent in the areas of the safety of nuclear installations and the safety of the management of spent fuel and radioactive waste;

having consulted the European Commission;

has adopted the following Rules of Procedure:

Article 1 – Purpose

1.1 The ENSREG shall work to develop a common understanding and, if appropriate, suggest common approaches in the fields of:

- (a) the safety of nuclear installations,
- (b) the safety of the management of spent fuel and radioactive waste and
- (c) financing of the decommissioning of nuclear installations and safe management of spent fuel and radioactive waste.

The ENSREG shall select areas from among the list of possible actions in Section B of the Council Conclusions of 8 May 2007 and identify priorities.

¹ European Nuclear Safety Regulators Group

1.2 The ENSREG shall report about its work to the Council of EU and the European Parliament.

1.3 The ENSREG shall facilitate consultation, coordination and cooperation of national regulatory authorities in the EU.

1.4 The ENSREG shall encourage a high level of transparency on issues related to the fields mentioned in 1.1 and provide timely information to the public on important upcoming nuclear safety issues of a common interest. For this purpose, as well as to facilitate the internal communication, a web site shall be established.

Article 2 – Membership

2.1 Each EU Member State shall nominate two senior representatives as Members to the ENSREG having competence in the areas covered by the ENSREG. The nominations shall be sent to the Secretariat in writing, through the respective EU Member State's Permanent Representation to the EU. The European Commission shall designate two high level representatives to participate in the ENSREG as Members.

2.2 Senior representatives, nominated from EEA Member States, the States that are candidates for accession to the EU, and other European countries may be invited to participate as Observers. The nominations shall be sent to the Secretariat in writing, through the respective state's Mission to the EU.

2.3 Members and Observers of the ENSREG may be accompanied by appropriate experts.

2.4 The ENSREG may invite other experts to take part in its meetings or perform necessary studies, on a case-by-case basis, where this would help support the activities of the ENSREG mentioned under Article 1. The European Commission would compensate expenses incurred subject to applicable budgetary rules.

2.5 The ENSREG may set up expert working groups or sub-groups to study specific subjects under the working programme established by the ENSREG. The ENSREG shall define the terms of reference and rules of procedures of the working groups or the subgroups. The ENSREG shall designate the Chairs of the working groups from among its Members, pursuant to Article 5.1., for the duration of the working groups' activities. The working groups shall designate the Chairs of the sub-groups. These subordinate groups shall be disbanded as soon as their tasks have been fulfilled.

2.6 The ENSREG Members' and Observers' names shall be published on the public section of CIRCA² and on the ENSREG web site.

2.7 Members may terminate their membership at any time by informing the Secretariat in writing. Replacements shall follow the procedure set out in Article 2.1.

Article 3 – Chairperson

3.1. The ENSREG shall designate a Chairperson from among its Members pursuant to Article 5.1.

² http://circa.europa.eu/Public/irc/tren/nuclear_safety_and_waste/home

3.2. The Chairperson shall be designated for a period of two years and may be re-appointed once. In the case of the resignation of the Chairperson during the two year period, a new Chairperson shall be designated under the same terms for a period of two years.

3.3. Vice-Chairperson(s) shall be designated by the ENSREG, from among its Members, following the same procedure, on the same terms and conditions as for the Chairperson. Should the Chairperson be absent or unable to discharge her/his duties, she/he shall be replaced by a Vice-Chairperson. The Chairperson may ask the Vice -Chairperson(s) to assist in any matter as appropriate.

3.4 The Chairperson shall represent the ENSREG in the Council of the EU and the European Parliament.

3.5. The Chairperson shall take commitments on behalf of the Group, with the approval of ENSREG, for maintaining liaison with other international organisations whose work is relevant and of interest to the activity of ENSREG (e.g. the International Atomic Energy Agency).

Article 4 – Meetings

4.1 ENSREG meetings shall be convened twice a year or more frequently, as deemed appropriate. The meeting dates should, if possible, be announced six months in advance.

4.2 Meetings of the ENSREG shall be convened by the Secretariat on the request of the Chairperson. The Chairperson may ask the Secretariat to convene an extraordinary meeting of the ENSREG when appropriate or at the request of at least one third of its Members.

4.3 The Chairperson shall establish an agenda for the meeting. The proposed agenda shall be published on the CIRCA web site three weeks in advance of the meeting. The agenda shall be adopted by the ENSREG at the start of the meeting. The final adopted agenda shall be published on the public section of CIRCA and on the ENSREG website.

4.4 The proposed agenda of the meeting and all supporting documentation shall be made available to the Members and Observers, as appropriate, at least two weeks in advance of the meeting.

4.5 The documents for the ENSREG meetings shall have the status 'public' or 'restricted'. The 'public' status shall apply to the ENSREG final documents endorsed at the Group's meetings. The 'public' documents shall be published on the public section of CIRCA and, as needed, on the ENSREG website. The 'restricted' status shall apply to the ENSREG draft documents not yet endorsed at the Group's meetings, or to those ENSREG final documents that the Group decides during its meetings, pursuant to Article 5.1, to maintain as 'restricted'. The 'restricted' documents shall be only made available to the Members and Observers of the ENSREG, through the CIRCA website.

4.6 The Chairperson may declare a meeting open and permit the debate to proceed when ENSREG Members representing the majority of EU Member States are present.

4.7 The Secretariat shall prepare draft minutes of each ENSREG meeting and send them to the Chairperson for approval not later than ten days after the meeting. The Secretariat shall make the draft minutes available via the CIRCA website to all ENSREG Members without delay after they are approved by the Chairperson. Members have two weeks to send their written comments. After this time and under the responsibility of the Chairperson, the minutes will be considered as approved. However, should there be a request for changes

which are considered as substantial by a Member, the Chairperson shall stop the process, reiterate his request for comments or delay the approval until the next meeting, as it may be the case. The final adopted minutes shall be published on the public section of CIRCA and on the ENSREG website.

4.8 At each meeting the Secretariat shall draw up an attendance list specifying, where appropriate, the authorities, organisations or bodies to which the participants belong.

Article 5 – Deliberations

5.1 Decisions shall be taken by consensus. The Chairperson and the ENSREG Members shall make every reasonable effort to facilitate consensus.

5.2 In its deliberations, the ENSREG shall respect the national and EU legislation regarding secrecy and confidentiality.

5.3 Where the Secretariat or the Chairperson informs the ENSREG that a certain item of the Agenda or a question raised is of a confidential nature, Members as well as other attendees shall be under obligation not to disclose information which has come to their knowledge through the work of the ENSREG or its working groups. The ENSREG Chairperson may request in such cases that only Members be present at meetings.

5.4 In urgent matters, the Chairperson may seek agreement to a position or reasoned opinion by electronic procedure. In such cases, the Chairperson shall ensure that each Member is aware that an agreement or reasoned opinion is sought by electronic procedure and shall set out clearly the time-scale for comments and the consequences of failure to respond within that time-scale. Agreement to a position or reasoned opinion using electronic procedure also requires consensus.

5.5 In the event the ENSREG remains divided on an issue, the Chairperson may issue a summary paper stating the different positions on the issue; the paper shall be annexed to the minutes of the meeting and subject to the minutes procedure laid down under Art. 4.7. In the case of dissenting opinions, Members shall have the right to formulate their position which shall also be annexed to the minutes.

Article 6 – Consultation and transparency

6.1 The ENSREG will use appropriate processes to consult interested parties which may include, inter alia: public hearings and roundtables, industry, European fora and written and Internet consultations.

6.2 The ENSREG may publish on its web site documents which assist interested parties to understand the work of the ENSREG. Comments shall be invited. Comments received by such a party in response to consultation documents shall be published on the ENSREG web site, unless a respondent explicitly requests that its submission is not made public on confidentiality grounds.

6.3 Within few days following each meeting, the Chairperson, helped by the Secretariat, will prepare a public statement. This statement will be published under the public section of the CIRCA website and on the ENSREG website.

6.4 The ENSREG may decide to meet interested parties to discuss matters of common interests. As appropriate, the Chairperson or the Vice-Chairperson may represent the ENSREG at such a meeting or Members may be nominated to do so.

Article 7 – ENSREG Secretariat

The European Commission shall provide the Secretariat of the ENSREG and any expert working group or subgroup under Article 2.5. The function of the Secretariat shall be inter alia to organise the ENSREG meetings, to circulate the meeting agenda, to draft and circulate the minutes of the meetings and to set up and maintain the ENSREG web site³ upon the request and advice of the Chairperson of the ENSREG.

Article 8 – Accountability

8.1 The ENSREG shall submit the first Report to the European Commission, for further transmission to the Council of the EU and to the European Parliament, not later than by 17 July 2009. Next progress reports are due at least every two years.

8.2 The Chairperson of the ENSREG will report to the European Parliament and to the Council of the EU, when requested.

Article 9 – Publication and Modification of the Rules of Procedure

9.1 These Rules of Procedure shall be made public on the ENSREG web site.

9.2 The ENSREG may deliberate on amendments of these Rules of Procedure or adopt additional rules to facilitate its operations only if Members representing two thirds of the EU Member States are present.

³ CIRCA platform