

**ToR ENSREG WG IC**

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## Terms of Reference for the separate ENSREG Working Group “WG International Cooperation” (WGIC)

### A. Background

In January 2011, ENSREG received a request from the Commission related to two Council Regulations, INSC (Instrument for Nuclear Safety Cooperation) and IPA (Instrument for Pre-Accession)<sup>1</sup> which relate to cooperation with nuclear regulatory bodies in third countries.

The Commission has requested that ENSREG provide advice to the Commission on the following topics:

- Assessment of needs in third countries and potential effectiveness and opportunity of cooperation with their regulatory bodies;
- Prioritisation of needs and definition of strategic objectives of cooperation with regulatory bodies in third countries;
- Preliminary definition of high-level programming instruments (Strategy Papers and Multi-annual Indicative Programmes), with respect to the envisaged activities of cooperation with the regulatory bodies in third countries;
- Availability of resources in the EU Member States to implement the proposed strategy for cooperation with regulatory bodies in third countries; and
- Policy for promoting international cooperation in nuclear safety. Such cooperation would include working with other relevant international organisations (mainly IAEA).

More precisely activities of the WGIC will pursue the objectives of the INSC regulation defined under art.1a.1/2:

- Promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety.
- Responsible and safe management of spent fuel and radioactive waste (i.e. transport, pre-treatment, treatment, processing, storage and disposal), decommissioning and remediation of former nuclear sites and installations.

ENSREG Working Group on Nuclear safety ((WGNS/WG 1) was tasked to clarify the type of advice requested and practicalities of the ENSREG’s envisaged role or resources needed for providing advice for regulatory cooperation with third countries under the INSC and other related instruments.

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<sup>1</sup> From 2014 onwards the nuclear safety component of IPA will be covered by the INSC.

WG 1 subsequently proposed a special, separate ENSREG Working Group (independent from the existing ones) for ENSREG international nuclear safety cooperation and assistance activities. This group would not only give, via ENSREG, strategic advice to the Council and the Commission but also address all international activities that ENSREG decides to be important.

At its meeting on 11 October 2011 ENSREG asked WG 1 to draft a first proposal for a mandate / Terms of Reference for the separate Working Group on international cooperation and assistance.

At its meeting on 6 March 2013 ENSREG launched the creation of WG IC as suggested with a view to continue the work done by WG 1 and to start its activities and cooperation with the Commission.

This document forms the response those requests.

The Terms of reference of ENSREG and its relationship to INSC and IPA are attached as an Annex.

## **B. Mandate**

The new working group “WG International Cooperation” is established with the mandate to provide ENSREG with the ability to advise the European Commission in the areas of nuclear safety and radiation protection (where related to radioactive material management) within the INSC and IPA on

- The needs and potential effectiveness of the regulatory bodies in third countries and the potential for cooperation with them
- The needs and potential effectiveness of the policies and regulatory frameworks in third countries, including laws and related enforcement
- Prioritisation of needs according to their relevance for the improvement of nuclear safety and definition of strategic objectives of cooperation with regulatory bodies in third countries;
- Review of high-level programming instruments (Strategy Papers and Multi-Annual Indicative Plans (MAIP)), in particular with respect to the envisaged activities of cooperation with the regulatory bodies in third countries;
- Policy for promoting international cooperation in nuclear safety. Such cooperation would include regional and cross-border activities as well as working with other relevant international organisations (mainly IAEA)
- Availability of resources in the EU Member States to implement the proposed strategy for cooperation with regulatory bodies in third countries; and
- nuclear safety within nuclear energy related economic development<sup>2</sup>

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<sup>2</sup> The instrument for Pre-accession does not refer to nuclear safety specifically. However it does refer to funding to assist economic development. Economic development may include nuclear power or other nuclear capabilities. Thus as ENSREG is able to advise the Commission on nuclear safety it is able to advise on those pre-accession development packages that involve nuclear energy related economic development.

The aim of the advice being to progressively develop and promote a common understanding and continuous improvement in the fields of nuclear safety, spent fuel management and radioactive waste management worldwide.

Specifically, in the fields of:

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

Advice related to nuclear safeguards being outside the mandate of ENSREG should be more appropriately delivered by the EURATOM safeguards system.

WG4 will also address all international activities important for ENSREG, coordinating with other ENSREG working groups when necessary. It will notably make proposals for promoting ENSREG activities in international for a.

### **C. Terms of Reference**

#### **Key topics**

The scope of the ENSREG advice to the commission will include strategic and high level technical advice to the Commission on:

- the assessment of the needs of third countries' regulatory authorities;
- the prioritisation of such needs and the definition of high-level programming documents,
- the availability of staff resources in the EU nuclear regulatory authorities to implement the foreseen cooperation and
- the policies aimed at promoting international cooperation (e.g. through contributing to the activities of international organisations, particularly the IAEA).

The ENSREG's assessment of the needs of third countries' regulatory authorities and their prioritisation is expected to be based on information gathered during Commission mission's to third countries (including ENSREG representatives, if possible), the evidence supplied via the third countries formal request to the Commission, the relevant knowledge the EU regulatory authorities have accumulated through bilateral cooperation activities and/or through participation in multilateral exercises (e.g., IAEA missions and initiatives) and through INSC activities. Typically ENSREG will participate to exploratory and follow-up missions convene by the Commission.

#### **Working methods**

The scope of the ENSREG advice to the Commission should not interfere with the existing commitology of the INSC and IPA i.e., Member States are able to examine the tasks and challenge the Strategy, the Multi-annual Indicative Programme (MIP), and underpinning documents.<sup>3</sup>

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<sup>3</sup> According to the INSC and IPA Regulations the Annual Action Programmes and the supporting Action Fiches (projects for funding) are presented to the Member States for opinion (commitology). Technical experts within

The WG will act in line with the Rules of Procedure of ENSREG

- Review of Strategy Papers and Multi annual Indicative Programmes and underpinning data related to nuclear aspects of the INSC and IPA in the areas specified above;
- Evaluation of the needs for nuclear regulatory safety cooperation;
- Prioritisation and definition of overall and country-specific strategies for nuclear safety cooperation
- Preliminary identification of proposals for nuclear regulatory safety cooperation activities;
- Assessment of the proposed nuclear safety cooperation with third countries;
- Review of the implementation of regulatory projects;
- Evaluation of the impact of past and on-going nuclear safety cooperation from the European regulators point of view (including review of assessment reports);
- Coordination of nuclear regulatory safety cooperation;
- Measures to promote international cooperation in nuclear safety.
- Regularly report to the ENSREG steering, seek orientation when needed.
- Examine the progress reports established by the Commission.

## **Timelines**

The WG will establish the planning of its activities and revise it on a periodic basis.

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Member States are then able to raise questions about the proposals and proposed funding and advise their representatives that they should reject /endorse / approve the proposals and timing of the funding within the plan.

## **Annex: Relationship between ENSREG Terms of Reference and the INSC and IPA**

### ***ENSREG***

Established via Commission decision of 17 July 2007<sup>4</sup>

By the above decision, ENSREG was tasked at its own initiative or at the request of the Commission to advise and assist the Commission in progressively developing common understanding and eventually additional European rules in the fields of:

- (a) The safety of nuclear installations, and
- (b) The safety of the management of spent fuel and radioactive waste.

It is expected to facilitate consultations, coordination and cooperation of national regulatory authorities in the EU, 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.

Within the Council Conclusions of 8 May 2007<sup>5</sup> the ENSREG is instructed to identify priorities from among the list of possible actions in the following areas:-

- (i) safety of nuclear installations,
- (ii) cooperation and openness
- (iii) transparency

These areas of possible action in detail cover working in the areas of co-ordination of the work programmes of Member States and the Commission, promotion of the practical use of current international contexts, harmonised approaches, shared knowledge and joint efforts.

### **Instrument for Nuclear Safety Cooperation**

Established by COUNCIL REGULATION (EURATOM) No 300/2007<sup>6</sup>.

With the objectives of the Community financing measures to support the promotion of a high level of nuclear safety, radiation protection and the application of efficient and effective safeguards of nuclear material in third countries.

These finances shall be implemented via annual action programmes in accordance with previously approved multi-annual strategy papers and indicative programmes.

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<sup>4</sup> Commission decision of 17 July 2007 on establishing the European High Level Group on Nuclear Safety and Waste Management (Text with EEA relevance) (2007/530/Euratom)

<sup>5</sup> Council Conclusion on Nuclear Safety and Safe Management of Spent Nuclear Fuel and Radioactive Waste, 2798th ECONOMIC and FINANCIAL AFFAIRS Council meeting Brussels, 8 May 2007

<sup>6</sup> COUNCIL REGULATION (EURATOM) No 300/2007 . of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation

The scope of these programmes include -

(a) the promotion of an effective nuclear safety culture at all levels, in particular through:

- continuous support for regulatory bodies, technical support organisations, and the reinforcement of the regulatory framework, notably concerning licensing activities,
- drawing notably on the experience of the operators, on site and external assistance programmes as well as consulting and related activities aiming at safety improvements of the design, operation and maintenance of nuclear power plants that are currently licensed and other existing nuclear installations so that high safety levels can be achieved,
- support for the safe transport, treatment and disposal of spent nuclear fuel and radioactive waste, and — the development and implementation of strategies for decommissioning existing installations and the remediation of former nuclear sites;

(b) the promotion of effective regulatory frameworks, procedures and systems to ensure adequate protection against ionising radiations from radioactive materials, in particular from high activity radioactive sources, and their safe disposal;

(c) the establishment of the necessary regulatory framework and methodologies for the implementation of nuclear safeguards, including for the proper accounting and control of fissile materials at State and operators level;

(d) the establishment of effective arrangements for the prevention of accidents with radiological consequences as well as the mitigation of such consequences should they occur, and for emergency-planning, preparedness and response, civil protection and rehabilitation measures;

(e) measures to promote international cooperation (including in the framework of relevant international organisations, notably IAEA) in the above fields, including the implementation and monitoring of international Conventions and Treaties, exchange of information and training and research.

*Comparison of the above with the ENSREG terms of reference shows that, except in the area of safeguards, the work of the INSC falls within the scope, mandate and competency of the ENSREG. As such, ENSREG is able to provide advice to the commission in areas related to safety and radiation protection (in the area of radioactive material management) other than safeguards.*

### **Instrument for Pre-Accession (IPA)**

Established by Council regulation COUNCIL REGULATION (EC) No 1085/2006<sup>7</sup>.

This instrument allows the Community to assist named third countries in their progressive alignment with the standards and policies of the European Union, including where appropriate the "acquis communautaire", with a view to membership.

Such assistance includes

- strengthening of democratic institutions, as well as the rule of law, including its enforcement
- regional and cross-border cooperation.

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<sup>7</sup> COUNCIL REGULATION (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)

- social, economic and territorial development including, inter alia, infrastructure and investment related activities, in particular in the areas of regional, human resources and rural development.
- coordination and coherence between assistance granted under the different components.

*Thus comparison with the scope mandate and competency of the ENSREG indicates that ENSREG is able to offer the commission advice on IPA proposals concerning*

- *nuclear safety within economic development*
- *promoting regional and cross-border activities whilst working with other relevant international organisations*
- *The needs and potential effectiveness of the nuclear policies and regulatory frameworks in third countries, including laws and related enforcement*
- *The needs and potential effectiveness of the nuclear regulatory bodies in third countries and the potential for cooperation with them*

