

# EUROSAFE Forum 2005

## Guest Lecture

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Mr. Contzen (Chairman), Ladies and Gentlemen,

First of all, let me thank the organising Committee for this opportunity to address the 7<sup>th</sup> annual EUROSAFE forum. This year the focus is on “Safety Improvements - Reasons, Strategies, Implementation”. The European Commission recognises the challenges that nuclear safety poses at international level and welcomes the aim of EUROSAFE to foster the convergence of safety practises in Europe. In an enlarged European Union closer collaboration between all stakeholders will be essential to meet both the regulatory and technical challenges of nuclear safety.

Before outlining specific actions undertaken by the Community in the areas of nuclear safety and radiation protection, I would like to take the opportunity to outline the pillars of the EU's current energy policy and the role of the nuclear industry.

### 1. EU energy policy

Energy is a key factor to the success of the European project. Two of the three founding Treaties – the European Coal and Steel Community and Euratom – were dedicated to energy. Five years ago, with its Green Paper on Security of energy supply, the Commission initiated a strategic debate inside the European Union. This to improve awareness that security of supply, coupled with energy efficiency, is an absolute requirement to ensure economic growth and the welfare of our citizens.

For me it is self-evident that where we need to reduce our greenhouse emissions, energy efficiency has to be our highest priority. It is the first cost-effective policy that contributes to this core objective and, at the same time, helps satisfying our Lisbon objectives and improves the security of Europe's energy supply. However, the Community also needs to ensure adequate and diversified supplies of energy. The management of external dependence and the reduction of the risks of interruption of supply require the development of our internal sources of energy, as well as securing

imports. Consequently, Europe's future prosperity depends on diversification of its energy supply.

The European Union does not rule out any of the choices for energy sources. Each individual Member State determines its own energy policy. Let us take the example of nuclear. Currently, nuclear energy provides more than a third of EU electricity. It has a number of characteristics:

- it is proven to be a stable, reliable source,
- relatively shielded from price fluctuations compared to the oil and gas markets and,
- conventional nuclear energy is essentially free from CO<sub>2</sub> emissions.

The civilian use of nuclear energy in the European Union takes place in the framework given by the Euratom Treaty. That Treaty gives us competencies in the domains of nuclear safety and security, radiation protection, industrial investments, loans, security of supply of ores and fissile materials. Only by adhering to the essential conditions set by the Treaty can the States of the European Union hope to make the nuclear option a politically and environmentally acceptable one. The Commission's mandate is to implement the objectives and ensure compliance with the Treaty.

Yet, public acceptance is a prerequisite for the further development of nuclear energy. The European citizens' concern about the safety of nuclear installations and the safe management of radioactive waste must be properly addressed. EU Member States traditionally have diverse experience in opening the nuclear debate to local communities, non-institutional bodies and other stakeholders with respect to nuclear projects. The Commission, as guardian of the Treaties, strives to inform the public, promote its welfare and protect its safety and security.

Provided an adequate level of safety and security is ensured, I believe that nuclear energy will continue to play a role in the EU, supported by a continued commitment in research and promotion of technological developments, aimed at further enhancing the safety and security of nuclear energy.

## 2. Nuclear Safety

Although the Community has been consistently active in promoting nuclear safety there is no Community legal framework establishing common safety standards for the design, construction and operation of nuclear reactors in the EU.

There is however a clear legal basis for Community action acting on health and safety matters. The Euratom Treaty entrusted the Community with the duty to lay down uniform basic safety standards to protect the health of workers and the general public against the dangers arising from ionising radiation. The Community also should verify the facilities for the environmental monitoring and has the obligation to put forward an opinion before authorising releases of radioactive substances into the environment or before carrying out “dangerous experiments”.

On the basis of these provisions, a number of legal instruments of different binding nature, covering not only the nuclear fuel cycle but also other industrial and medical applications, have been put in place.

The Commission advocates that, to achieve the goal assigned by the Treaty, namely of creating *“the conditions of safety, necessary to eliminate hazards to the life and health of the public”*, the Community must fully exercise its competence in the field of nuclear safety in close co-operation with EU Member States.

Therefore, the operation of existing installations, as well as the subsequent decommissioning, must comply with the highest safety standards and both radioactive waste and spent fuels should be managed safely and without detriment to the environment. This is decisive to increase public acceptance of nuclear energy.

As you know, in 2003, the Commission proposed two Directives to endow the European Union with a credible policy in matters of nuclear safety and the safe management of radioactive waste. These proposals were modified in 2004 to take into account the opinion of the European Parliament and the results of the discussions within the Council

of Ministers. The Commission carried out numerous consultations both with the national authorities and representatives of industry concerned. These consultations made it possible to accumulate support, although not yet sufficient to adopt these proposals. The Commission remains convinced that common rules on nuclear safety and waste management, aimed at ensuring effective nuclear safety and security, could be to the benefit of all EU citizens.

### 3. Closure and decommissioning of nuclear reactors

Ageing nuclear power plants are of serious concern, especially those of Russian design in several of the new and forthcoming accession Member States, such as Lithuania, Slovakia and Bulgaria.

A high level of nuclear safety in the enlarged European Union therefore requires ensuring the safe closure and decommissioning of those nuclear reactors at the end of their lifetime if safety cannot be upgraded in an economical manner. Detailed provisions for a number of installations were negotiated prior to the recent enlargement. As part of the respective Accession treaty both Lithuania and Slovakia agreed to close a number of Nuclear Power plants by the dates specified in the Accession treaty.

While the timely closure and decommissioning of those installations is an obligation, the Community continues to support this process. The nuclear safety component of the PHARE programme allocates significant financial assistance to priority projects in the acceding countries, Bulgaria and Romania. Provisions on specific installations will also be a part of their accession agreements.

New Member States – that no longer have access to PHARE support – will be supported by the Community's "Transitional Facility" until 2007, set up to assist them in strengthening their respective institutional capacities, e.g. nuclear regulatory authorities and waste management agencies. The New Member States have already made considerable progress towards the safety of their facilities and the strengthening of regulatory bodies.

I would also like to take this opportunity to remind you of the importance the Commission attaches to guarantee that adequate financial resources are made available for the safe

decommissioning of nuclear facilities at the end of their operation life. In 2004 the Commission sent a first report to the Council and the European Parliament on the use of financial resources available for decommissioning of nuclear Power Reactors in the EU (15).

The Commission will issue a recommendation, on the basis of the Euratom Treaty, on the financing of decommissioning. This recommendation will address all nuclear installations. It will ask Member States to take the necessary measures to ensure that financial resources are set aside during the operating period of the facilities. Those financial resources should be available and be sufficient to cover the cost of the decommissioning work when time comes.

We have to be sure that resources are used for the purpose for which they have been set aside and are managed with complete transparency. A 2005 report is also being prepared that will cover the EU (25), Bulgaria and Romania, and which scope will be extended by the inclusion of all nuclear facilities and not only nuclear power reactors.

#### 4. Sustainable management of radioactive waste

The sustainable management of radioactive waste and spent fuel is fundamental to nuclear safety. It is the one issue which poses the biggest problem to public acceptance: long-lived high level waste requires safe confinement for very long time spans.

The Commission would like all Member States to adopt a national waste management programme for all forms of radioactive waste, as foreseen in one of the two Directives I earlier mentioned. A national disposal plan would reduce the need to transport radioactive waste and reinforce physical protection and security against illicit use of such materials, thus, further reducing any risks to both the public and the environment.

However, Community legislation already covers certain aspects of radioactive waste management. The Euratom Directive 92/3, which establishes a system of control and prior authorisation for shipments of radioactive waste, is currently before the Council for amendment. The new directive will clarify existing procedures and increase the scope to include shipments of spent fuel.

On the research side, the Commission is considering ways to pool resources and available knowledge, in order to tackle the significant scientific and technical challenges posed by the management of long-lived high level waste and spent fuel.

#### 5. International Co-operation

This year the European Commission represented Euratom in the review meeting of the Convention on Nuclear Safety. This occasion highlighted the consistency of the Community objectives with those of the IAEA. Euratom has also recently acceded to the Joint Convention on the safe management of radioactive waste and the safe management of spent fuel, as well as to two other conventions on radiological emergency preparedness.

A directive on the control of high activity sealed radioactive sources and orphan sources, to be transposed into national legislation by the end of this year, will ensure that the provisions of the IAEA Code of Conduct are legally binding in the Community.

#### 6. Security and Safeguards

Finally, let me emphasise that physical protection and nuclear material safeguards are also very important and complementary to nuclear safety. Euratom participated recently – as a contracting party – in the review of the Convention on the Physical Protection of Nuclear Materials (CPPNM). The amended CPPNM is extended to protect all nuclear facilities and material in peaceful domestic use, storage and transport.

It provides for expanded co-operation between States on rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences.

Euratom Safeguards are carried out by the Commission's controlling authority to verify that nuclear materials are not diverted from their intended (peaceful) uses and that obligations with a third state or an international organisation are complied with.

A new safeguards regulation has come into force on 20 March 2005. It introduces new requirements on reporting to the IAEA for which the Commission carries legal

responsibility under the Additional Protocols to the Safeguards Agreements concluded between the Member States, the Community and the IAEA.

In this respect, the regulation sets out new provisions concerning declarations on site and on waste in line with the reporting requirements introduced by the Additional Protocols.

Following an internal review on the implementation of nuclear safeguards, the Commission adopted in 2004 the principles of new safeguards approaches focused on the objectives of the Euratom Treaty. They consist in moving from a system being based on purely quantitative objectives to a qualitative system, relying to a large extent on an audit methodology, showing more flexibility and capability of adapting to evolving circumstances. These new safeguards approaches are gradually implemented since the beginning of 2005. Continuing consultations with all stakeholders, i.e. nuclear operators, Member States and the International Atomic Energy Agency, have enabled to collect reactions and opinions, to clarify certain aspects and make their full implementation successful.

## Conclusion

Mr. Chairman, Ladies and Gentleman,

In concluding, I would like to leave you with my main messages:

- Nuclear is an important component of the EU energy policy. It can only remain so provided that both safety of nuclear installations and the safe management of radioactive waste are ensured;
- The Commission, as guardian of the Treaties, will continue to do all in its power to ensure that all provisions and obligations on nuclear safety, security and safeguards are fully complied with;
- Binding legislation will allow the nuclear industry in the EU to develop within a stable legal framework, ensuring equal treatment for all nuclear operators;
- The Commission will continue to strive for adoption by the Council and the European Parliament of the two Directives on nuclear safety and safe management of nuclear waste;
- Be assured that the Commission will continue to co-operate at the international level to improve nuclear safety, where it encourages dialogue, continued co-operation and collaboration between all stakeholders.

I am certain that many interesting developments and issues will be debated during the various seminars comprising the programme for this year's forum. On behalf of the European Commission, I would like to take this opportunity to congratulate everybody for their support and initiatives towards improving nuclear safety in the EU.

Thank you for your attention.