Treaties and history of the EU (1)

European Coal and Steel Community (ECSC)
European Atomic Energy Community (EAEC = EURATOM)
European Economic Community (EEC)
European Political Cooperation (EPC)

Western European Union (WEU)

Treaties and history of the EU (2)

European Atomic Energy Community (EAEC or EURATOM)

European Coal & Steel Community (ECSC)

European Community (EC)

Justice & Home Affairs (JHA)

Police & Judicial co-operation in criminal matters (PJCC)

Common Foreign and Security Policy (CFSP)

European Union (EU)

WEU

Euratom Treaty - key features

• Since 1958, the Treaty has remained basically unchanged

• It covers all sources of ionising radiation – industrial (nuclear energy), medical, natural radiation – in normal and emergency situations

• It is the basis of a corpus of Community legislation in nuclear safety and radiation protection

• It provides a comprehensive system to guarantee that nuclear materials are used for peaceful purposes only

• Evolutionary nature: it has flexibly responded to ever-evolving needs and allows to close the remaining gaps in regulation at EU level: nuclear safety, waste management...
Structure of the European Union

European Union (TEU, TFEU)

Treaty on the European Union (TEU)

Treaty on the Functioning of the European Union (TFEU, former EC)

Treaty of Lisbon

Euratom (ET)
Euratom institutions

- **Council:**
  
  *decision power, coordination of national measures*

- **Commission:**
  
  *guardian of the Treaty (implementation), legal initiative, own power of decision, recommendations/opinions*

- **Parliament:**
  
  *advisory (consultation) and supervisory power, may request proposal, handles petitions from citizens*

- **Court of Justice:**
  
  *interpretation and application of Treaty and secondary law*

- **Court of Auditors:**
  
  *budgetary control*

- **The Economic and Social Committee:**
  
  *advisory body*
The objective is “to contribute

to the raising of the standard of living [...] and

to the development of relations with the other countries [through

the creation] of the conditions necessary for the [...] establishment and growth of nuclear industries” (art.1)
Euratom Treaty - the means

- Research and dissemination of technical information
- Uniform safety standards
- Investment facilitation
- Regular and equitable supply of ores and fuels
- Safeguards - Prevention of diversion of nuclear materials
- Ownership of special fissile materials
- Common market in nuclear materials and equipment
- International relations with a view to foster progress in the peaceful uses of nuclear energy
Euratom Treaty - the means

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Euratom Treaty - 4 fields of action

- Nuclear energy development
  - Research Activities
- Health and safety
- Guarantees for peaceful uses
- External relations
1. Nuclear energy development

- **Encourage progress by:**
  - promoting research
  - ensuring the dissemination of technical information (licences, patents...)

- **Facilitate investment:**
  - Commission illustrative programmes (PINC)
  - Joint Undertakings

- **Create a common market in specialized materials and equipment, including:**
  - free movement of capital for investments
  - freedom of employment for specialists

- **Ensure a regular and equitable supply of ores and nuclear fuels**
• Promote ‘European Research Area’ in nuclear science and technology
  • Establish ‘Technology Platforms’ and/or ‘Joint Programming Initiatives’ in key areas
• Support key EU policy initiatives
  • Lisbon Agenda, Energy Policy for Europe
• International cooperation
  • Bilateral (e.g. Russia, China, …) / multilateral (e.g. GIF)
• Establish the scientific & technical basis for the safe long-term management of radioactive waste
• Promote safer, resource-efficient and competitive exploitation of nuclear energy
• Ensure a robust and socially acceptable system of protection of human and environment against the effects of ionising radiation.
2. Health and safety

- **Protection of the health of workers and the general public against the dangers arising from ionizing radiations**
- **Lay down uniform safety standards and ensure that they are applied:**
  - Basic Safety Standards (Directive)
  - legislation on nuclear safety, medical exposure, foodstuffs, radioactive shipments etc.
- **Monitoring the level of radioactivity**
- **Emergency preparedness:**
  - legislation on informing the general public
  - alert systems (ECURIE and EURDEP)
Directive 96/29
Basic Safety Standards (BSS)

- Directive 97/43 Medical exposures
- Directive 90/641 Outside workers
- Foodstuffs Regulations
- Directive 2011/70/Euratom Radioactive waste
- Directive 2009/71/Euratom Nuclear Safety
- Directive 2006/117 Shipments of radioactive waste Regulation No 1493/93
- Directive 2003/122 control of radioactive sources (HASS)
- Directive 89/618 public information

Ecurie Decision 87/600
Current projects

- **Nuclear Safety Directive**: Verification of correct transposition by Member States
- **Basic Safety Standards**: “recast” = update and simplification in one single Directive
- **Evaluation of pan-European stress tests** → Revision of **nuclear safety legislation**
Nuclear Safety Directive (June 2009):

- gives binding legal force to international safety standards (IAEA, CNS)
- establishes national responsibility for nuclear safety
- ensures continuous improvement of safety

http://ec.europa.eu/energy/nuclear/index_en.htm
Nuclear Safety Directive - Objectives and principles

- To establish a Community framework to achieve high comparable level of safety throughout EU.
- To maintain and promote the continuous improvement of nuclear safety and its regulation.
- To ensure that Member States shall provide for appropriate nuclear safety national arrangements.
- Prime responsibility rests with license holder under control of national regulatory body
- Member States to establish and maintain legislative and regulatory framework.
- Reinforce role and independence of national regulator: authority, competence, financial and human resources.
Revision of the EU safety framework

- **Public consultation**
  (from December 2011 to February 2012):

- **End 2012: Commission proposals**

- **Main areas for legislative improvements:**
  - technical safety requirements
  - nuclear safety governance
  - enhancing transparency
Nuclear Waste Directive - context

EU Member States, while retaining responsibility for their respective policies in respect of the management of their spent fuel and low, intermediate or high-level radioactive waste, should include planning and implementation of disposal options in their national policies.
Nuclear Waste Directive - objectives

- to avoid imposing undue burden on the future generations
- a high level of safety
- public information and participation
Nuclear Waste Directive – main elements

- National policy on SF and RW management

General principles

- National framework (legislative, regulatory and organisational)

  Allocates responsibilities and provides for coordination between relevant competent bodies

- National programme

  Covers all types of SF and RW and all stages of their management from generation to disposal
Nuclear Waste Directive – next steps

- **Compliance with the Directive** by 23 August 2013
- **MS reports on implementation** by 23 August 2015 and every three years thereafter
- **EC reports** to the Council and the EP on progress made, inventory and future prospects
- **Notification of the content of National Programmes** by 23 August 2015
- **Arranging self-assessments and inviting international peer review** – periodically and at least every 10 years
3. Guarantees for peaceful uses

- **Ensure a regular and equitable supply of ores and nuclear fuels:**
  - common supply policy
  - equal access to sources of supply
  - Euratom Supply Agency

- **Make certain that nuclear materials are not diverted from intended uses:**
  - Safeguards system (inspections, sanctions)

- **Right of ownership:**
  - special fissile materials are the property of the Community
  - strict accounting
Nuclear Security - Safeguards

- The Commission shall satisfy itself that, in the territories of Member States (Article 77)
  - ores, source materials and special fissile materials are not diverted from their intended uses as declared by the users;
  - the provisions relating to supply and any particular safeguarding obligations assumed by the Community under an agreement concluded with a third State or an international organisation are complied with."

- Operators shall submit to the Commission the basic technical characteristics of his installation and intended activities + record keeping (Articles 78 / 79; Regulation No 302/2005 on the application of Euratom safeguards)
Safeguards extraordinary competences

- ENFORCEMENT, INJUNCTION, SANCTION -

- Compulsory inspections (Art 81) – urgency procedures

- Urgency action against the Member State (Art 82) – Commission & Court of Justice

- Sanctions against operators (Art 83):
  - warning
  - withdrawal of benefits
  - placing under administration
  - withdrawal of materials

(See presentation on safeguards)
4. External relations

- Establish relations with other countries and international organisations so as to foster progress in the peaceful uses of nuclear energy:
  - conclude international agreements or contracts
  - Euratom is party to international conventions
  - close cooperation and high complementarity with the UN’s International Atomic Energy Agency and the OECD’s Nuclear Energy Agency
External relations

- **Establish relations with other countries and international organisations**:
  - conclude international agreements or contracts
  - Euratom is party to international conventions: as CNS, Joint Convention, CPPNM
  - close cooperation and high complementarity with the UN’s International Atomic Energy Agency (IAEA) and the OECD’s Nuclear Energy Agency (NEA)

- The Community may conclude agreements with a third country or an international organisation (Art. 101 (1)).
Scope of cooperation

- *Euratom cooperation agreements cover*
  - Nuclear trade between the two Parties: materials, equipment, technology
  - Commitments on non-proliferation, safeguards, physical protection and export controls
  - Nuclear safety, exchange of information and experts, training
  - Nuclear research (fission/fusion)
- Euratom Agreements:
  - Euratom Safeguards Agreements
  - Euratom bilateral co-operation agreements
    - Peaceful uses of nuclear energy: USA, Canada, Australia, Japan, Ukraine, Kazakhstan, Uzbekistan,
    - Research and development: US DoE, Russia, Ukraine, Kazakhstan, China
    - Revised agreements with Canada and Australia
    - New agreements with Russia and South Africa
Notifications & reports (1)

- **Article 33**: compliance with the **basic standards**: Member States communicate draft legislative provisions; Commission **recommendation** within 3 months

- **Article 37**: Member States provide information on plans for the **disposal of radioactive waste**; the Commission delivers its **opinion**

- **Articles 41-44**: investors communicate to the Commission **investment projects**; the Commission communicates its **views** to the Member State concerned
Notifications & reports (2)

- **Articles 77-85:** safeguards
  - operators declare the Basic Technical Characteristics of installations to the Commission
  - nuclear materials accountancy: operators keep records of transactions and communicate them to the Commission
  - Commission communicates the reports to the IAEA

- **Article 103:** Member States communicate draft agreements or contracts with third parties; the Commission comments within 1 month
Notifications & reports (2)

- **Articles 77-85: safeguards**
  - operators declare the Basic Technical Characteristics of installations to the Commission
  - nuclear materials accountancy: operators keep records of transactions and communicate them to the Commission
  - Commission communicates the reports to the IAEA

- **Article 103: Member States communicate draft agreements or contracts with third parties; the Commission comments within 1 month**
European legal pyramid

Primary law
(TEU, TFEU, Euratom)

Secondary law
(Regulations, Directives, Decisions)

„Soft law“
(Recommendations, opinions, communications)
Euratom legal instruments

The Council and the Commission:

- **make regulations**
  
  *(binding in its entirety, generally and directly applicable in the MS legislation)*

- **issue directives**
  
  *(binding as to the result to be achieved, applicable to the Member State to which addressed, form and method to be chosen by Member States)*

- **take decisions**
  
  *(binding in its entirety to whom it is addressed)*

- **make recommendations and deliver opinions**
  
  *(not binding)*
EURATOM law – the aims

- Continuously improve safety and security
- Keep EU leadership in safe nuclear energy
- Contribute to its responsible use worldwide by promoting legally binding standards
Nuclear energy

What do we want to achieve?

Nuclear power stations currently produce around a third of the electricity and 18% of the energy consumed in the European Union (EU). The sector represents a source of energy with low carbon levels and relatively stable costs, which makes it attractive from the point of view of security of supply and fighting climate change. It is up to each Member State, however, to decide whether or not to pursue the option of nuclear power. The ground for nuclear energy in Europe was laid in 1957 by the European Atomic Energy Community (Euratom). Its main functions consist of furthering

Thank you for your attention
Nuclear Questions
Answers
Energy