

Intergovernmental organisation activities

European Atomic Energy Community

Proposed binding instruments

Proposal for a Council Regulation laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency (COM/2013/943, 10 January 2014)

A proposal to recast Council Regulation 3954/87/Euratom laying down maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other case of radiological emergency¹ was adopted by the European Commission in 2010. The Commission decided, however, to withdraw the recast procedure in order to bring Regulation 3954/87/Euratom in line with the new provisions of Regulation 182/2011/EU, laying down the rules and general principles concerning mechanisms for control by member states of the Commission's exercise of implementing powers.²

In accordance with the provisions of Article 31 of the Treaty establishing the European Atomic Energy Community (Euratom Treaty), a draft proposal for a revision of Council Regulation 3954/87/Euratom was adopted on 6 August 2013 and submitted to the European Economic and Social Committee (EESC) for a formal opinion. After having received a favourable opinion of the EESC on 16 October 2013, the Commission adopted its final proposal on 10 January 2014.

The proposal lays down the maximum permitted levels of radioactive contamination of food and feed which may be placed on the market following a nuclear accident or any other case of radiological emergency which is likely to lead to or has led to significant radioactive contamination of food and feed, and the procedures to render these maximum permitted levels applicable. The aim of the proposal is in particular to provide more flexible tools allowing specific responses to any nuclear accident or radiological emergency in the European Union (EU), in the vicinity of the EU or in a remote country.

The proposal is currently being discussed by EU Member States in the Council of the EU (the Council), which shall also consult the European Parliament.

Adopted legally binding instruments

Council Directive 2013/51/Euratom of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption³

The Council adopted on 22 October 2013 a directive on requirements for the protection of the general public with regard to radioactive substances in water

1. COM (2010) 184 final.
 2. *Official Journal of the European Union* (OJ) L 55, 28.2.2011, pp. 13-18.
 3. OJ L 296, 7.11.2013, pp. 12-21.

intended for human consumption.⁴ The new directive sets out parametric values, frequencies and methods for monitoring radioactive substances. In addition, it provides for the establishment of monitoring programmes by each member state to ensure that water intended for human consumption meets the requirements set in the directive. The monitoring will include testing water for radon and tritium and to establish the indicative dose. Natural mineral waters and waters which are deemed as medicinal products are excluded from the scope of this directive because special provisions for those types of water were established in Directive 2009/54/EC and Directive 2001/83/EC.

Furthermore, the directive provides for remedial action and notification to inform the public of the quality of water for human consumption.

The directive entered into force on 27 November 2013. EU Member States are required to transpose it into national legislation by November 2015 at the latest.

*Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom*⁵

The Council adopted on 5 December 2013 a new directive laying down basic safety standards (BSS) for protection against the dangers arising from exposure to ionising radiation.⁶

The new BSS directive modernises and consolidates the European radiation protection legislation by taking account of the latest scientific knowledge, technological progress and operational experience with current legislation by merging the existing set of five directives into a single piece of legislation.

The BSS directive provides for the protection of workers, members of the public and patients from the dangers arising from exposure to ionising radiation. The directive sets out a system of radiation protection based on the principles of justification, optimisation and dose limitation and requires appropriate regulatory control for all exposure situations. Furthermore, the directive strengthens the requirements on emergency preparedness and response, taking account of lessons learnt from the Fukushima Daiichi accident, and the directive provides for radiation protection education, training and provision of information.

The directive entered into force on 6 February 2014. EU Member States are required to transpose it into national legislation by February 2018 at the latest.

*Council Regulation (Euratom) No. 237/2014 of 13 December 2013 establishing an Instrument for Nuclear Safety Cooperation*⁷

The Council adopted on 13 December 2013 a regulation establishing an instrument for nuclear safety co-operation for the period 2014-2020 to support third countries in improving nuclear safety and implementing the highest standards.⁸ The

4. For more information, see the press release of the Council, “New rules for the protection of public health with regard to radioactive substances in water”, No. 15066/13 (22 October 2013).

5. OJ L 13, 17.1.2014, pp. 1-73.

6. For more information, see the press release of the Council, “Council approves new standards for protection against the dangers arising from exposure to ionising radiation”, No. 17059/13 (5 December 2013).

7. OJ L 77, 15.3.2014, pp. 109-116.

8. For more information see press release of the Council, “Council establishes the instrument for nuclear safety cooperation”, No. 17548/13 (13 December 2013).

new regulation replaces Regulation (Euratom) 300/2007,⁹ under which the previous instrument was established and which expired on 31 December 2013.

The new instrument provides for financing measures aimed at supporting the promotion of a high level of nuclear safety and radiation protection, as well as the application of efficient and effective safeguards for nuclear material in third countries. A total of EUR 225 321 000 has been set aside for the implementation of this regulation for the period 2014-2020.

Council Regulation (Euratom) No. 1368/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia and repealing Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010¹⁰

Council Regulation (Euratom) No 1369/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programme in Lithuania, and repealing Regulation (EC) No 1990/2006¹¹

In the context of the negotiations for accession to the European Union, Bulgaria, Lithuania and the Slovak Republic undertook to close and subsequently decommission the nuclear reactors at Ignalina Units 1 and 2 (Lithuania), Bohunice V1 Units 1 and 2 (Slovak Republic) and Kozloduy Units 1 through 4 (Bulgaria). While the three EU Member States are ultimately responsible for nuclear safety, including the financing of decommissioning, the EU has undertaken to assist those countries in addressing the exceptional financial burden imposed by the decommissioning process, due to the early shutdown of these reactors.

The Council adopted on 13 December 2013 two regulations on Union support for the nuclear decommissioning assistance programmes respectively in Bulgaria and Slovakia, as well as in Lithuania for the period 2014-2020.¹²

The first regulation establishes a programme for the implementation of Union financial support for measures linked to the decommissioning of units 1 and 2 of the Ignalina nuclear power plant in Lithuania. The financial envelope for the implementation of the Ignalina programme for the period 2014-2020 is set at EUR 450 818 000 at current prices.

The second regulation establishes a programme for the implementation of Union financial support for measures connected with the decommissioning of units 1 to 4 of the Kozloduy nuclear power plant in Bulgaria and units 1 and 2 of the Bohunice V1 nuclear power plant in the Slovak Republic. A total of EUR 293 032 000 has been set aside for the period 2014-2020 for the implementation of the Kozloduy programme and a total of EUR 225 410 000 has been set aside for the Bohunice programme at current prices.

Council Regulation (Euratom) No 1314/2013 of 16 December 2013 on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 Framework Programme for Research and Innovation¹³

The Council adopted on 16 December 2013 the Euratom programme for nuclear research and training activities for the period 2014-2018.¹⁴ The new programme is a

9. OJ L 81, 22.3.2007, pp. 1-10.

10. OJ L 346, 20.12.2013, pp. 1-6; OJ L 8, 11.1.2014, Corrigendum, p. 31.

11. OJ L 346 20.12.2013, pp. 7-11; OJ L 8, 11.1.2014, Corrigendum, p. 30.

12. See press release of the Council, "Council adopts nuclear decommissioning programmes for Bulgaria, Slovakia and Lithuania", No. 17550/13 (13 December 2013).

13. OJ L347 (20 December 2013), pp. 948-964.

14. For more information, see the press release of the Council, "Euratom programme for nuclear research (2014 to 2018)", No. 17898/13 (16 December 2013).

part of the EU's research and innovation framework programme "Horizon 2020", which was adopted on 3 December 2013.¹⁵ It allows for the continuity of nuclear research activities carried out under the previous Euratom programme, which expired at the end of 2013.

Euratom programmes are limited by the Euratom treaty to five years, whereas the general framework programmes for research and innovation last for seven years.

The budget of the Euratom programme is set at 1.6 billion euros in current prices for the years 2014 to 2018. It covers indirect actions for fusion energy research and research on nuclear fission, safety and radiation protection, as well as direct actions for activities of the Joint Research Centre in the field of nuclear waste management, environmental impact, safety and security.

The Euratom programme will continue to contribute to the implementation of the "Innovation Union" strategy, by enhancing competition for scientific excellence and accelerating deployment of key innovations in the nuclear energy field, notably in fusion and nuclear safety, and with the objective of favouring the long-term decarbonisation of the energy system in a safe, efficient and secure way.

Commission Implementing Decision of 10 December 2013 adopting the 2014-2015 work programme in the framework of the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 – The Framework Programme for Research and Innovation and the 2014-2018 work programme in respect to the Fusion Joint Programme and the Joint European Torus operating contract as part of the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 – The Framework Programme for Research and Innovation (C/2013/8563)

In accordance with Article 11 of Council Regulation on the Euratom Research and Training Programme, the European Commission has to adopt work programmes for the implementation of indirect actions, i.e. research and innovation activities to which the Union provides financial support. The 2014-2015 Work Programme has been adopted through the Commission Implementing Decision C/2013/8563.

This Decision also serves to adopt the 2014-2018 Work Programme in respect to the Fusion Joint Programme and the Joint European Torus operating contract as part of the Euratom Research and Training Programme.

Commission Implementing Regulation (EU) No. 322/2014 of 28 March 2014 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station

Following the accident at the Fukushima Daiichi nuclear power station on 11 March 2011, the European Commission was informed that radionuclide levels in certain food products originating in Japan exceeded the action levels in food applicable in Japan. Because such contamination may constitute a threat to public and animal health in the EU, the Commission has continued to monitor the situation, on the basis of the occurrence data on radioactivity in feed and food provided by the Japanese authorities.

Since the previous Commission Implementing Regulation – i.e. Commission Implementing Regulation (EU) No. 996/2012,¹⁶ as amended by Commission Implementing Regulation (EU) No. 45/2013¹⁷ – only applied until 31 March 2014, a new Implementing Regulation imposing special conditions governing the import of

15. OJ L 347, 20.12.2013, pp. 104-173.

16. OJ L 299, 27.10.2012, pp. 31-41.

17. OJ L 143, 30.5.2013, pp. 3-10.

feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station was adopted by the Commission on 28 March 2014 in order to take into account the further development of the situation.

The existing measures have been reviewed by taking into account more than 85 000 occurrence data on radioactivity in feed and food other than beef and more than 232 000 occurrence data on radioactivity in beef, data that was provided by the Japanese authorities on the third growing season after the accident. The next review of the provisions is planned by 31 March 2015 when the results of sampling and analysis on the presence of radioactivity of feed and food during the fourth growing season after the accident will be available.

Non-legally binding instruments

Communication from the Commission on “Delivering the internal electricity market and making the most of public intervention” (C/2013/7243)

In its Communication on “Delivering the internal electricity market and making the most of public intervention”, adopted on 5 November 2013,¹⁸ the European Commission gives guidance to the EU Member States on how to design and adapt public interventions in the electricity market, in order to avoid distortions of the internal energy market.

Although the Communication is not legally binding, it sets out the main principles which the Commission will apply when assessing state interventions relating to renewable support schemes or capacity mechanisms, including nuclear energy.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on “A policy framework for climate and energy in the period from 2020 to 2030” (COM/2014/015)

The Communication setting out the 2030 framework for the EU climate and energy policy was adopted by the European Commission on 22 January 2014. The proposed framework builds on the existing “climate and energy package” of targets for 2020, as well as the Commission’s 2050 roadmaps for energy and for a competitive low-carbon economy.¹⁹ The Communication on the 2030 policy framework follows the Commission’s March 2013 Green Paper,²⁰ which launched a broad public consultation on the most appropriate range and structure of climate and energy targets for 2030. These documents reflect the EU’s goal of reducing greenhouse gas emissions by 80 to 95% below 1990 levels by 2050, as part of the effort needed from developed countries.

Amongst the key elements of this 2030 framework, the Commission proposes a binding greenhouse gas reduction target of 40% below the 1990 level, a reform of the EU Emissions Trading System, an EU-wide binding target for renewable energy of at least 27%, increased emphasis on energy efficiency, and a new European governance process for energy and climate policies based on member state plans for competitive, secure and sustainable energy.

18. See the press release of the Commission, “EU Commission: Guidance for state intervention in electricity”, No. IP/13/2021 (5 November 2013), available at: http://europa.eu/rapid/press-release_IP13-1021_en.htm.

19. COM (2011) 885 (15 December 2011), “Energy Roadmap 2050”; COM (2011) 112 final/2 (25 May 2011), “A Roadmap for moving to a competitive, low-carbon economy in 2050”.

20. COM (2013) 169 (27 March 2013), “Green Paper on a 2030 Framework for climate and energy policies”.

The communication on the 2030 framework is accompanied by a report on energy prices and costs, which assesses the key drivers and compares EU prices with those of its main trading partners.

International Atomic Energy Agency

Convention on Nuclear Safety

The Sixth Review Meeting of the Contracting Parties to the Convention on Nuclear Safety (CNS) was held from 24 March to 4 April 2014. Based on a report of the Working Group in Effectiveness and Transparency, which was established during the Second Extraordinary Meeting of the CNS in August 2012, the contracting parties agreed by consensus on proposed amendments to the CNS guidance documents, namely the Guidelines regarding the Review Process under the CNS (INFCIRC/571/Rev.6), the Guidelines regarding National Reports under the CNS (INFCIRC/572/Rev.4), and the Rules of Procedure and Financial Rules (INFCIRC/573/Rev.5). The contracting parties also agreed on the “Recommendations for Action” to other bodies which were submitted by a group of contracting parties for consideration at the review meeting. The amendments to the guidance documents and the Recommendations for Action provide clearer guidance on actions to be taken by the contracting parties to meet the objectives of the convention and enhance preparation of national reports. They also provide improvements to the review process, enhance international co-operation and foster greater transparency for the public.

At the Sixth Review Meeting, the CNS contracting parties also decided, by a two-thirds majority, to submit a proposal by Switzerland to amend CNS Article 18 to a diplomatic conference to be convened within one year following this decision. The proposed amendment addresses the design and construction of both existing and new nuclear power plants. The contracting parties also requested the IAEA Director General, as depositary for the CNS, to prepare a set of rules and procedures for organising the diplomatic conference and to organise, at least 90 days prior to the first day of the diplomatic conference, a consultation meeting open to all contracting parties to exchange views and prepare for the adoption of the rules of procedure.

During the final plenary of the review meeting, a special session was held to report on actions carried out by the contracting parties in the light of the Fukushima Daiichi accident. The contracting parties agreed to continue to report in their National Reports on actions taken with regard to lessons learned from the Fukushima Daiichi accident. It was also proposed to convene a topical meeting in 2015 to allow the contracting parties the opportunity to present and discuss enhancing the safety existing installations in light of lessons learned from the accident.

Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

The Second Extraordinary Meeting of the Contracting Parties to the Joint Convention was held on 12-13 May 2014 following a request by the United States. During the Second Extraordinary Meeting, the contracting parties agreed on a number of changes to the Rules of Procedure and Financial Rules for the Joint Convention (INFCIRC/602/Rev.5), the Guidelines regarding the Review Process (INFCIRC/603/Rev.6), and the Guidelines regarding the Form and Structure of National Reports (INFCIRC/604/Rev.3). At the Second Extraordinary Meeting, the contracting parties also agreed to discontinue the Working Group of Experienced Officers of the Joint Convention and the CNS, and instead, as practicable, to invite to the “workshop of incoming and outgoing officers” of the Joint Convention the Presidency (the President and two Vice-Presidents) of the last Review Meeting of the

CNS and, where necessary, additional experienced officers, to informally share experience and lessons learned under the review processes of the CNS. They also encouraged the contracting parties to the CNS to similarly invite to the “officers turnover meeting” of the CNS the Presidency of the last Review Meeting of the Joint Convention and, where necessary, additional experienced officers, to informally share experience and lessons learned under the review processes of the Joint Convention.

The organisational meeting for the Fifth Review Meeting of the Contracting Parties to the Joint Convention was held on 14-15 May 2014. The meeting, among other things, elected the officers for the Fifth Review Meeting, decided on the establishment and composition of seven Country Groups for the upcoming Review Meeting, and discussed the timetable for the Fifth Review Meeting, to be held from 11 May 2015 at the IAEA Headquarters in Vienna.

International Expert Group on Nuclear Liability

The Third Workshop on Civil Liability for Nuclear Damage was held in Vienna on 19 May 2014. The workshop provided diplomats and experts from member states with an introduction to the subject, and was attended by 54 participants from 39 member states.

The 14th meeting of the International Expert Group on Nuclear Liability (INLEX) took place in Vienna, from 20-22 May 2014. The group discussed the revision of the Board of Governors’ decision excluding small quantities of nuclear material from the scope of the nuclear liability conventions following the adoption of the 2012 edition of the IAEA Transport Regulations; liability issues in the context of the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency; whether there is a need to establish a special liability regime covering radioactive sources; the scope of application of the IAEA liability conventions regarding shutdown reactors or reactors being decommissioned; the revision of the model provisions on nuclear liability in the *Handbook on Nuclear Law* Volume II; and outreach activities.

With respect to outreach activities, three IAEA/INLEX missions have been conducted in order to raise awareness of the international legal instruments relevant for achieving a global nuclear liability regime. Preparations are also underway for the conduct of similar missions in interested member states in the coming months. In addition, a sub-regional workshop on civil liability for nuclear damage was held in Vietnam on 17-18 March 2014 to provide participants with information on the existing international nuclear liability regime and to advise on the development of national implementing legislation. The event was attended by 35 participants from 12 member states.

Legislative assistance activities

The IAEA Secretariat continued to support member states, upon request, under its legislative assistance programme. Several draft national laws were reviewed and comments were provided to the countries concerned. The IAEA Office of Legal Affairs also trained scientific visitors and fellows from a number of member states in various aspects of nuclear law. Awareness missions have been dispatched to member states in order to raise the awareness of national policymakers about the importance of adhering to relevant international legal instruments adopted under the IAEA’s auspices, and preparations are under way to conduct similar missions in other interested member states over the coming months.

In addition, the IAEA Secretariat’s outreach capabilities are being further enhanced through the development of new online training material and a third volume of the *Handbook on Nuclear Law*, which will cover various areas of nuclear law beyond the regulatory matters covered in the previous two volumes.

OECD Nuclear Energy Agency

Appointment of new Director-General

Mr. Luis E. Echávarri, NEA Director-General, retired from the organisation at the end of April after almost 17 years of service.

Mr. Echávarri joined the NEA in 1997 after having previously worked as Commissioner for the Spanish Nuclear Safety Council (CSN) and later Director-General of the Spanish Nuclear Industry Forum.

On 19 March 2014, the OECD Secretary-General Angel Gurría announced the appointment of Mr. William D. Magwood, IV to succeed Mr. Echávarri as Director-General of the NEA. Mr. Magwood has a distinguished career in the nuclear field and in public service. Since April 2010, Mr. Magwood has served as one of five Presidentially-appointed, Senate-confirmed commissioners of the NRC. The Commission heads the NRC and formulates policies and regulations governing US nuclear reactor and materials safety, among other matters duties.

From 2005-2010, Mr. Magwood established a private business to advise US and international clients, particularly related to energy, environmental and technology policy issues. During this time, he also sat on various advisory groups and provided advice to members of the US Congress on a range of technical issues, including nuclear research issues, education and climate change policy.

Mr. Magwood was with the US Department of Energy (DOE) for 11 years, including serving as the Director of Nuclear Energy from 1998-2005 where he was the senior nuclear technology official in the United States Government. In his role, he led the creation of "Nuclear Power 2010," "Generation IV," and other initiatives. During his tenure at DOE, Mr. Magwood was recognised as a strong advocate of international technology co-operation and served as chairman of both the Generation IV International Forum and the OECD Steering Committee on Nuclear Energy.

Mr. Magwood will take up his duties at the NEA 1 September 2014.

International experts in Japan to review safety after Fukushima Daiichi

On 8 April 2014, the NEA, in co-operation with the Nuclear Regulation Authority (NRA) of Japan, held an international conference in Tokyo focusing on enhancing global nuclear safety and industry regulatory reform following the Fukushima Daiichi accident. This conference is the latest initiative by the NEA to consolidate international knowledge and expertise in the field of nuclear safety and to evaluate lessons learnt from Fukushima.

High-level experts and representatives from the nuclear regulatory authorities of France, Japan, Korea, Russia and the United States, as well as the NEA and the International Atomic Energy Agency (IAEA), attended the conference and discussed in detail the various safety improvements that have taken place since March 2011.

In his opening remarks, NRA Chairman Dr. Shunichi Tanaka stressed the importance of independence, technical capability and transparency of the regulatory authorities, as well as a strong safety culture. Dr. Tanaka also discussed the ongoing safety reviews at 17 nuclear power reactors to determine suitability for restart. Finally, he noted that new guidelines for emergency preparedness and emergency response were being developed.

OECD Secretary-General Angel Gurría spoke about sound energy policies for economic and social development and insisted on very high levels of safety as the first condition for using nuclear power. NEA Director-General Luis Echávarri highlighted the role of international co-operation, stating that through co-operation,

nuclear safety can be further enhanced worldwide, thus enabling countries that wish to do so to make use of low-carbon, baseload nuclear energy supplies.

Conference proceedings will be provided online through the NEA website.

China Atomic Energy Authority co-operation workshop

On 26-27 February 2014, NEA Director-General Luis Echávarri led an NEA delegation to meet with several Chinese institutions to discuss co-operation in a number of areas, including nuclear safety and development. Practical implementation of the 2013 Joint Declaration on Co-operation between the NEA and China was one of the key topics for discussion during this two-day visit to China by NEA officials. The Joint Declaration was signed in November 2013, and is intended to facilitate wider international co-operation on important scientific research, the assessment of innovative technologies and the development of national and international legal frameworks, in the interest of further strengthening the safety of nuclear power.

On 27 February, the China Atomic Energy Authority (CAEA) organised a co-operation workshop to explore practical implementation of the 2013 Joint Declaration. The workshop was attended by 40 participants from the CAEA, the National Nuclear Safety Administration (NNSA), the National Energy Administration (NEA), the China National Nuclear Corporation (CNNC), the China General Nuclear Power Corporation (CGN), the State Nuclear Power Technology Corporation (SNPTC) and other important actors in China's nuclear power programme.