

Provisions on transparency and public participation under the Nuclear Safety, BSS and SFRW Directives

**"Aarhus Convention and Nuclear
Roundtable on EP&R"**

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Loukas KAPOLOS

**DG ENER Directorate D - Nuclear Energy
Unit D3 "Radiation Protection and Nuclear
Safety"**

Euratom instruments - nuclear

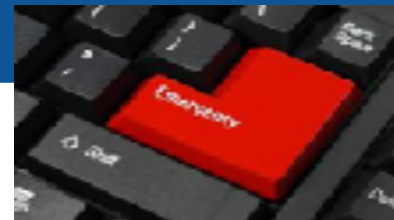
Nuclear safety

Waste
management



Basic safety
standards

Emergency
preparedness &
response



Lessons from Fukushima

❖ Transparency

- Importance of enhancing transparency on nuclear safety matters
- Transparency as an important means of promoting independence of regulatory decision-making

❖ Public expectations

- Information, participation in decision-making

Directive 2009/71/Euratom ("NSD")

- **Article 8 - Information to the public**
- Member States to ensure that information in relation to the **regulation of nuclear safety** is made available to the *workers* and the *general public*. This obligation includes ensuring that **the competent regulatory authority informs the public in the fields of its competence**.
- Information shall be made available to the public in accordance with national legislation and international obligations, provided that this does not jeopardise other interests such as, inter alia, **security**, recognised in national legislation or international obligations.



Directive 2014/87/Euratom ("amended NSD")

➤ **Article 8: Transparency**

- 1. Member States to **ensure ... necessary information in relation to the nuclear safety of nuclear installations** and its regulation is made available to *workers* and the *general public*, with specific **consideration to local authorities, population and stakeholders in the vicinity of a nuclear installation.**
- **...competent regulatory authority and licence holders**, within their field of responsibility to provide in the framework of their communication policy:
- (a) information on normal operating conditions ... to workers and the general public

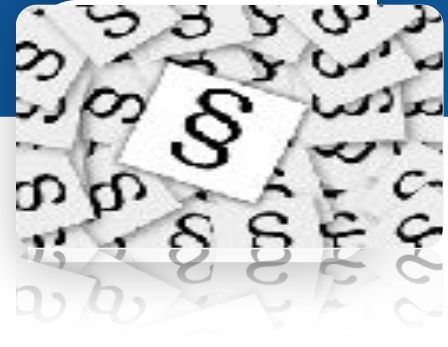


Directive 2014/87/Euratom

➤ **Article 8: Transparency**

...competent regulatory authority and licence holders, within their field of responsibility provide in the framework of their communication policy:

- (b) **prompt information in case of incidents and accidents** to *workers* and the *general public* and to the *competent regulatory authorities of other Member States* in the vicinity of a nuclear installation



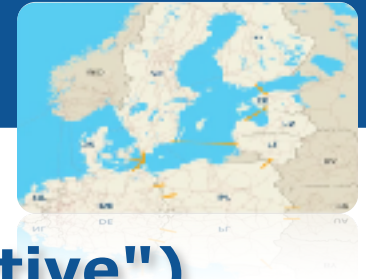
Directive 2014/87/Euratom

- **Article 8: Transparency**
- 2. Information shall be made available to the public in accordance with relevant legislation and international instruments, provided that it does not jeopardise other overriding interests, such as **security**...
- 3. ...without prejudice to Article 5(2) [on effective independence on its decision-making] the competent regulatory authority engages in **cooperation activities with competent regulatory authorities of other Member States** in the vicinity of a nuclear installation – via the exchange or sharing of information.



Directive 2014/87/Euratom

- **Article 8: Transparency**
- 4.general public is given the appropriate opportunities to **participate effectively in the decision-making process** relating to the licensing of nuclear installations, in accordance with relevant legislation and international instruments.
- Also **Article 5 (2)b** (CRA)
- Member States shall ensure the effective independence from undue influence of the CRA in its regulatory decision-making. For this purpose...the CRA takes **regulatory decisions founded on robust and transparent** nuclear safety-related requirements.



Directive 2013/59/Euratom ("BSS Directive")

- **Article 77 - Transparency**
- MS shall ensure that information in relation to the **justification of classes or types of practices, the regulation of radiation sources and of radiation protection** is made available to *undertakings, workers, members of the public, as well as patients ...*
- This obligation includes ensuring that **the competent authority provides information within its fields of competence.** Information to be made available in accordance with national legislation and international obligations, provided that this does not jeopardise other interests such as, inter alia, security...



Directive 2011/70/Euratom ("SFRW Directive")

- **Article 10: Transparency**

- 1. **...necessary information on the management of spent fuel and radioactive waste** to be made available to *workers* and the *public*. CRA to inform the public in the fields of its competence. Information to be to be made available in accordance with national legislation and international obligations provided it does not jeopardise other interests such as security...
- 2. **..public to be given the necessary opportunities to participate effectively in the decision-making process** regarding spent fuel and radioactive waste management in accordance with national legislation and international obligations.



Transparency and public participation

- **All Directives contain enhanced public information requirements**
 - **BSS, NSD and SFRWD** – national competent authorities (+ operators in the case of the NSD)
- **Public participation provisions**
 - **NSD and SFRWD** – public to be given "appropriate"/"necessary" opportunities to participate effectively in the decision-making process (licensing of nuclear installations / SF and RW management)
 - **BSS** - no general public participation provision, but reference made to stakeholder involvement as regards existing exposure situations and EP+R (articles 73, 102, Annex XI)

NSD and BSS Transposition and Implementation

Pre-transposition
phase

Facilitate common



Dialogue with
Member States

- Transposition



Next steps

- Need for further guidance in certain concepts to aid common approaches