

Nuclear Emergency Preparedness and Response (EP&R): Applying the lessons of Fukushima in the context of the implementation of the Basic Safety Standards (BSS) Directive

A NTW position paper on the current implementation process of the EP&R provisions of 2013/59/EURATOM (BSS) Directive

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A - Post-Fukushima Context: the need for updating EP&R in the EU

During the Post-Fukushima European Nuclear Safety Stress Tests, Civil Society (CS) has drawn the attention of EU and national authorities to the urgent necessity to update and rescale the existing provisions of EP&R in the EU as a component of an in-depth nuclear safety review, a key challenge here being achieving the practical implementation of EP&R provisions at European and National levels.

In December 2013, the European Commission completed a first appraisal of the current state of Nuclear EP&R provisions in Europe (the ENCO study - “Review of current off-site nuclear emergency preparedness and response arrangements in EU member states and neighbouring countries”).

NTW has carried out (2013-2014) a review of existing EP&R provisions at EU and national levels and published a report¹ synthesising the CS concerns and expectations and a position paper² summarising the findings and recommendations for the scaling up of the European capacity to cope with a large scale accident such as Fukushima.

NTW has pointed out severe deficiencies of EP&R provisions that impede EU capacities to cope with nuclear emergency and post-emergency situations.

The observed deficiencies are observed in the existing national frameworks of EP&R in the EU, the lack of consistency among member states and the poor level of practical implementation:

- The EP&R provisions are not realistic, they are out-dated and inadequate, while also involving disparate counter-measures among member states;

¹ <http://www.nuclear-transparency-watch.eu/wp-content/uploads/2015/04/NTW-Report.pdf>

² <http://www.nuclear-transparency-watch.eu/wp-content/uploads/2015/04/NTW-Position-paper.pdf>

- They do not take into account the dramatic changes in the social and spatial environments of the nuclear installations, e.g. major demographic changes impeding the previous evacuation plans;
- They do not take into account the characteristics of modern lifestyles such as societal capacities and autonomy together with the new patterns of social media;
- They must be scaled up in order to take into account the possibility of a large-scale nuclear accident comparable with Fukushima.

It is not overstating to say that a large-scale nuclear accident in Europe would lead to a long-term chaotic situation.

B - The BSS Directive implementation

The revised Basic Safety Standards (BSS) Directive (2013/59/Euratom) involves the updating of the EP&R provisions by 6th February 2018 and offers a real opportunity for improving the current situation.

On December 3rd 2015, NTW was invited by DG ENER to participate in the Workshop "More Effective EP&R at the EU level under the BSS Directive" involving the representatives of the Member States' Authorities that are in charge of the transposition of this Directive. It was for NTW an opportunity to present the views and expectations of Civil Society on this very sensitive issue. (See the presentation of Dr Nadja Železnik, Chair of the NTW EP&R Working Group, *"Public information and stakeholder involvement in EP&R "*³).

The presentation of NTW expresses the following concerns and expectations of Civil Society vis-à-vis the implementation of the BSS Directive:

- The BSS directive should be implemented effectively and not just "formally";
- An effective improvement of EP&R provisions is expected as a result of the transposition;
- Civil Society Organisations (CSOs) should be involved now in order effectively to contribute to the assessment of the current situation of EP&R in the EU;
- From now CSOs should be actively involved, by giving them a significant role in EP&R planning and testing;
- There is a need for multi-stakeholder exchanges at EU and national levels in order to support the practical implementation of EP&R provisions;

³ http://fr.slideshare.net/Nuclear-Transparency-Watch/public-information-and-stakeholder-involvement-in-epr-by-nadja-zeleznik?qid=d8f957fe-8702-4c47-bb99-43c45aa00bd4&v=default&b=&from_search=3

- The management of emergency and post-emergency systems (planning, testing, revision, improvement) must involve rigorous implementation of Aarhus Convention article 5.1.(c)⁴ and
- Civil Society must be provided with adequate resources by the European Commission in order to bring its contribution to the effective implementation of the EP&R provisions of the BSS directive.

C - Identified needs for further action to be taken by the European Commission in the context of the implementation of the 2013/59/EURATOM Directive

1. The need for multi-stakeholder assessment of the existing situation

The existing evaluation of current EP&R provisions in the EU that stems out of the “ENCO” study commissioned by the European Commission is perceived as too optimistic as it is essentially based on the regulators’ views of EP&R provisions in their own countries. There is a need for a multi-stakeholder evaluation of the current situation in order to draw a realistic picture. Primarily, this requires an evaluation provided by Civil Society. NTW has already underlined severe deficiencies of EP&R systems in the EU. The NTW report provides a first picture of the situation as a result of several investigations such as interviews with responsible authorities and other stakeholders, trans-boundary round tables and discussions with local populations.

However, a detailed, realistic, country by country picture of nuclear EP&R provisions is needed. The publication of the independent review⁵ of EP&R provisions in Belgium commissioned by Greenpeace provides a good example of what should be achieved in every concerned Member State of the EU.

The European Commission must develop, encourage and support a plurality of viewpoints in the assessment of current EP&R provisions.

⁴ According to Aarhus Convention article 5.1. (c), Each Party shall ensure that *"In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected."*

⁵ Study commissioned by Greenpeace Belgium, *"Insuffisances des plans d'urgence nucléaire belges : les leçons de la catastrophe de Fukushima n'ont pas été tirées"*, David Boilley et Mylène Josset, Janvier 2015.
<http://www.greenpeace.org/belgium/Global/belgium/report/2015/RapportDavidBoilleyFR.pdf>

2. Formal or effective and qualitative transposition?

- The need for clarification, for drawing criteria to qualify transposition and for engaging multi-stakeholder debates on those criteria

The first question is the qualification of what is called “Effective Qualitative Transposition” of the EP&R provisions of the BSS Directive. After the workshop of December 3rd, it is clear that DG Energy is aware of the necessity to go far beyond formal transposition.

This said, what is understood by « effective and qualitative transposition » must be clarified, discussed and shared among the regulators, with the other stakeholders and with Civil Society. Does effective transposition mean effective quality of EP&R provisions? EP&R implementation is a complex multi-stakeholder process. Safety and radiation protection authorities are only one category of actors among others. Thus they cannot be the only actors bearing the responsibility for effective implementation of EP&R provisions. They need the involvement of other actors. CS engagement can greatly enable the implementation process at EU and national levels in the following ways:

- CS engagement is compulsory and thereby contributes to improve decisions and the efficiency of EP&R;
- CS is a catalyst for multi-stakeholder engagement;
- CS engagement is needed in EP&R at different stages: immediately in evaluation and preparedness, and in the management phase of emergency, post-emergency & recovery and
- CS engagement in EP&R must be sufficiently resourced at EU and national levels.

3. Further investigation

- How to engage stakeholders in the preparedness exercises, to assess the possibility for national, trans-boundary stakeholder dialogue on EP&R and to develop a guidance on stakeholder involvement?

During the workshop of 3rd December, the RISKAUDIT survey commissioned by DG Energy presented the views of the national authorities that are in charge of the BSS Directive implementation. Some 50% of them see the necessity to initiate new emergency preparedness provisions that would involve the stakeholders and allow a clear allocation of the responsibilities of persons and organisations. The question is then how to achieve stakeholder engagement? Clear guidelines must now be established and tested at European, national and trans-boundary levels, in order to support multi-stakeholder engagement and dialogue among all of them. CS is among the stakeholders to be involved but can also contribute to raise the attention of all the actors on the necessity effectively to implement EP&R provisions that are adapted to the potential for a large-scale nuclear accident in Europe.

Conclusion

The presentation of NTW illustrated the potential contribution of CS to an effective and qualitative transposition of the BSS Directive. Both EU and national levels need the active contribution of CS.

NTW calls on the European Commission to support CS in:

- 1) further refining the picture of the current challenges for EP&R country by country in Europe,
- 2) establishing the criteria for an effective and qualitative transposition in a participatory way, and
- 3) defining, testing and implementing stakeholder engagement methods and processes.

This should be incorporated in the DG energy work program and give rise to action starting in the course of 2016.