



To: **Mr. Ramzi Jammal** – CNSC
President of the 7th Review Meeting of the Convention on Nuclear Safety (CNS)
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Mr. Yukiya Amano
Secretary General of the IAEA
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Cc.: **Mr. Juan Carlos Lentijo**
IAEA Deputy Director General and
Head of Department of Nuclear Safety and Security
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Re.: **Non-compliance of Hungary with art. 8(2) CNS;
Concerns on transparency and regulatory independence.**

Brussels, 03 February 2017

Dear Mr. Jammal, dear Mr. Amano,

Nuclear Transparency Watch – a watchdog organisation of Members of the European Parliament, academics, citizens organisations and independent experts with a focus on transparency and safety in the nuclear sector – was informed about changes in the Hungarian energy legislation that undermine the independent position of the nuclear regulator, the Hungarian Atomic Energy Agency (HAEA). Because this situation could seriously compromise transparency during the construction of nuclear projects and nuclear waste management, as well as fundamentally impair nuclear safety, we want to ask you to discuss this matter during the 7th Review Meeting of the Convention on Nuclear Safety.

Last December, the Hungarian Government tabled a set of legislative amendments in the energy sector. Two paragraphs deal with nuclear licensing concerning nuclear construction and radioactive waste management:¹

¹ Act CXLIII of 2016, § 14 (1) and (2); <http://magyarkozlony.hu/hivatalos-lapok/ed5602bae3bbe7ea64f0c00119c5dcdfde61910/dokumentumok/69ee0fd67e37f09aff57cd7be072ddcb8b8f81d5/letoltes>

Act CXLIII of 2016, § 14 (1) and (2):

(1) The following sub-point (dh) is added to point (d) of Section 67 of Act CXVI of 1996:

(The Government shall be authorised to regulate, in a decree:

(d) in respect of nuclear facilities)’

(dh) possible ways and conditions of deviating from the official licences at a nuclear facility being established;’

(2) Section 67(w) of Act CXVI of 1996 is replaced by the following:

(The Government shall be authorised to regulate, in a decree:)

‘(w) safety requirements for radioactive waste repositories and detailed rules for the related requirements of the authorities as well as possible ways and conditions of deviating from the licences at the radioactive waste repository being established;’

The nuclear power sector in Hungary is fully owned by the Government, and the construction project of Paks II is *de facto* run from the office of the Hungarian Prime Minister. This means that these paragraphs not only open the possibility for non-transparent political interference in license conditions set by the independent nuclear regulator, but also direct interference by the *de facto* operator.

We are concerned that these two paragraphs are in non-compliance with the Convention on Nuclear Safety as they undermine the independence of the HAEA as prescribed in art. 8(2) of the Convention: “[...] *an effective separation between the functions of the regulatory body and those of any other body or organization concerned with the promotion or utilization of nuclear energy*”.

We notice that this issue is not addressed in the national report of Hungary for the 7th Review Meeting of the CNS² and that this situation undermines the claim of HAEA in that report in paragraph 8.1. that “[t]he HAEA, as a governmental office, cannot be directed in its scope of authority as defined in law.”

Nuclear Transparency Watch therefore turns to you with the request to discuss this issue during the 7th Review Meeting of the CNS in the framework of the Hungarian national report and take steps to convince Hungary to reinstate fully transparent and independent licensing procedures and implementation in the nuclear sector, including nuclear construction and radioactive waste management.

Sincerely,



Dr. Nadja Železnik

President of Nuclear Transparency Watch

2 HAEA, *Seventh National Report Hungary Prepared in the Framework of the Convention on Nuclear Safety Budapest, 2016*; http://www-ns.iaea.org/downloads/ni/safety_convention/7th-review-meeting/hungary-seventh-national-report-to-the-cns.pdf