



European
Commission



EXPLORATORY SEMINAR

Decommissioning, a new challenge for nuclear safety

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Session 3

Control and transparency devices: What is the role of the EU?

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Controls – Health and Safety

Article 35 of the Euratom Treaty:

*Each Member State **shall** establish the facilities necessary to carry out **continuous monitoring of the level of radioactivity in the air, water and soil** and to **ensure compliance with the basic standards**.*

*The Commission shall have the **right of access to such facilities**; it may verify their operation and efficiency.*

Recent verifications on sites in the phase of decommissioning:

- Latvia (Salaspils research reactor)
- Spain, Bulgaria, Portugal and Romania (former uranium mines)
- Italy (NPPs Caorso, Latina and Garigliano)

Controls – Health and Safety

Article 37 of the Euratom Treaty:

Each Member State **shall** provide the Commission with such general data relating to any **plan** for the **disposal of radioactive waste in whatever form** as will make it possible to determine whether the implementation of such plan is liable to result in the radioactive **contamination** of the water, soil or airspace of **another** Member State.

The Commission **shall** deliver its opinion within six months, after consulting the group of experts referred to in Article 31.

- **Responsibility on the Member State.**
- **Plan: prospective** in nature (the article does not apply retroactively, it is an *ex ante* assessment).
- **Disposal of radioactive waste in whatever form: planned discharges and accidental releases of radioactive substances, in gaseous, liquid or solid form into the environment.**
- Article 37 is part of Chapter 3 of the Treaty, titled "Health and Safety." Hence, the word **contamination** covers the notion of **radiological impact from the point of view of health.**
- A **trans-boundary** aspect is defined under another Member State.

Controls – Health and Safety

Operations on which Article 37 applies

- 1. The operation of nuclear reactors
- 2. The reprocessing of irradiated nuclear fuel
- 3. The mining, milling and conversion of uranium and thorium
- 4. The U-235 enrichment of uranium
- 5. The fabrication of nuclear fuel
- 6. The storage of irradiated nuclear fuel
- 7. The handling and processing of artificial radioactive sources on an industrial scale

- 8. The predisposal management (including storage) of radioactive waste
- **9. The dismantling of nuclear reactors, MOx fuel fabrication plants, reprocessing plants**
- 10. The emplacement of radioactive waste above or under the ground without the intention of retrieval

- 11. The industrial processing of naturally occurring radioactive materials subject to a discharge authorisation
- 12. All other relevant operations

Art.37 – Decommissioning

• 2017¶

DE¶	Unterweser·KKU·(1·PWR)¶	Art.37·Opinion:→ 26/01/2017¶	OJ → C·027¶	¶
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• 2016¶

DE¶	Neckarwestheim·GKN-1·(1·PWR)¶	Art.37·Opinion:→ 12/08/2016¶	OJ → C·297¶	¶
DE¶	Philippsburg·KKP-1·(1·BWR)¶	Art.37·Opinion:→ 12/08/2016¶	OJ → C·297¶	¶
SE¶	Barsebäck·NPP·(2·BWR)¶	Art.37·Opinion:→ 12/08/2016¶	OJ → C·297¶	¶
BG¶	Units·3·and·4·(VVER-440/V230)¶	Art.37·Opinion:→ 22/06/2016¶	OJ → C·242¶	¶
DE¶	Brunsbüttel·KKB·(1·BWR)¶	Art.37·Opinion:→ 02/06/2016¶	OJ → C·199¶	¶

• 2015¶

DE¶	Biblis·KWB·A+B·(2·PWR)¶	Art.37·Opinion:→ 10/12/2015¶	OJ → C·413¶	¶
FR¶	La·Hague·UP2-400·(partial·dismantling)¶	Art.37·Opinion:→ 04/12/2015¶	OJ → C·405¶	¶
UK¶	Dounreay·(update·of·the·site·clean-up·project)¶	Art.37·Opinion:→ 25/11/2015¶	OJ → C·394¶	¶
SK¶	Bohunice·A-1—decommissioning·stages·III+IV¶	Art.37·Opinion:→ 29/10/2015¶	OJ → C·362¶	¶
FR¶	Phénix·(1·FBR)¶	Art.37·Opinion:→ 22/06/2015¶	OJ → C·207¶	¶
DE¶	KKI-1·Isar·NPS·(1·BWR)¶	Art.37·Opinion:→ 17/04/2015¶	OJ → C·128¶	¶

Controls – Investments

Article 41 of the Euratom Treaty:

***Persons and undertakings** engaged in the industrial activities listed in Annex II to this Treaty **shall** communicate to the Commission **investment projects** relating to new installations and also to replacements or conversions which fulfil the criteria as to type and size laid down by the Council on a proposal from the Commission.*

The list of industrial activities referred to above may be altered by the Council, acting by a qualified majority on a proposal from the Commission, which shall first obtain the opinion of the Economic and Social Committee.

Decommissioning projects are covered under Article 1(2) and 3) of the existing Council Regulation 2587/1999, adopted pursuant to Article 41 Euratom.

But not subject to the full notification procedure.

Transparency requirements

**EURATOM
TREATY**

1957

Nuclear Safety

Directive 2009/71/Euratom

**Art. 8 – Information to the
public**

Radioactive Waste

Directive 2011/70/Euratom

Art. 10 - Transparency

Basic Safety Standards

Directive 2013/59/Euratom

Art. 77 - Transparency

Amended Nuclear Safety

Directive 2014/87/Euratom

Art. 8 - Transparency



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Thank you!

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