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Committee on Social Affairs, Health and Sustainable Development

Revised Minutes

of the hearing on “Nuclear safety and security in Europe” held in Strasbourg, on Thursday, 25 January 2018, from 2.20 pm to 3.20 pm

In light of the report currently in preparation on “Nuclear safety and security in Europe” (Rapporteur: Ms Emine Nur Günay, Turkey, EC), the Committee **held** a hearing with the participation of:

- Mr Yves Desbazeille, Director General of FORATOM;
- Mr Jean Barbaud, Director of FORATOM's ENISS (European Nuclear Installations Safety Standards Initiative) programme.

Mr Leite Ramos, first Vice-Chairperson, opened the hearing and welcomed the participants. He recalled that the Committee had held the first part of the hearing at its meeting on 6 December 2017 with representatives of the European Commission and of Greenpeace, the minutes of which had been declassified by the Committee last Monday. Given that the participation of the representative of the Nuclear Energy Agency (NEA) in the present hearing had had to be cancelled, it was agreed that a separate briefing for the rapporteur would be arranged at the NEA's headquarters in Paris at a different date (subject to the availability of funds). **Mr Leite Ramos** excused Ms Günay, rapporteur, who could not be present at the hearing due to some very important political developments in her parliament which had obliged her to return home earlier than planned. Last Monday the Committee had authorised the rapporteur to carry out a fact-finding visit to the IAEA (International Atomic Energy Agency), subject to availability of funds, and had requested a prolongation of the reference for report until the end of the year. The experts from FORATOM, who were present, were aware of the Committee's earlier discussions and would contribute the European nuclear energy industry's point of view. They would first make their presentations and then answer questions.

Mr Desbazeille first gave an overview of the European nuclear industry and highlighted its contribution to Europe's economy. 129 reactors were in operation in 2017 (including one reactor which had been closed in Germany at the end of 2017), providing 27% of electricity production and about 800,000 jobs. FORATOM grouped 15 national nuclear associations (including two non-EU countries – Switzerland and Ukraine) which represented close to 800 companies. In terms of nuclear security, the IAEA's definition was used as the reference: “the prevention and detection of and response to theft, sabotage, unauthorised access, illegal transfer or other malicious acts involving nuclear or other radioactive substances or their associated facilities”. Moreover, the IAEA's recommendations and the convention on the protection of nuclear material, together with a series of technical guides (including a cybersecurity standard), services, training, peer reviews and regular international meetings, helped strengthen States' capabilities to reduce the vulnerabilities of their nuclear facilities.

At EU level, there was no specific legislation on nuclear security, but all EU member States and parties to the Euratom treaty were contracting parties to the IAEA's convention. In 2004, ENSRA (the European Nuclear Security Regulators Association) had been launched for a confidential exchange of information and experience in terms of nuclear security. In 2011-2012, and in parallel to the process of stress tests, an Ad Hoc Group on Nuclear Security had been created. Every EU country had its own security regime based on the

¹The revised minutes were approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 23 April 2018 in Strasbourg.

'design basis threats' assessment and the 'defence in depth' principles (prevention, detection, response and mitigation/recovery procedures). National security organisation usually devolved certain responsibilities to nuclear facility operators, safety authorities and specialised ministries/services. The operators' responsibilities covered a site protection policy, a model for physical site protection and measures to organise transport of nuclear materials to/from the nuclear installations.

Mr Barbaud described the work of ENISS, which had membership from the same countries as FORATOM but only composed of nuclear licensees, in promoting nuclear safety. To that end, ENISS provided a space for interaction of nuclear facility operators with safety authorities, vendors and multiple stakeholders (mainly regulators such as WENRA (Western European Nuclear Regulators Association), IAEA, the European Commission, EUR and WNA/CORDEL (World Nuclear Association/Cooperation in Reactor Design Evaluation and Licensing Working Group). Special efforts were deployed in the area of harmonisation of nuclear safety rules across Europe. As for nuclear security, the IAEA served as the reference for nuclear safety defined as "the achievement of proper operating conditions, prevention of accidents and mitigation of accident consequences, resulting in protection of workers, the public and the environment from undue radiation risks". It had developed a consistent set of safety standards from fundamentals to recommendations and guidelines.

In Europe, even though nuclear safety was subject to national responsibility, the harmonisation of rules was advancing rapidly, in particular in the EU countries. The most recent initiatives for harmonisation emanated from the European Commission (such as on prevention of accidents and avoiding radioactive releases), WENRA (on safety objectives for new reactors and reference levels for existing reactors) and the industry (on specifications for new reactors through EUR, a licensees body). In line with the EU's periodic safety review requirements, compliance checks and upgrade of installations were carried out at least every 10 years. After the Fukushima accident, additional stress tests had been carried out for all reactors in the EU countries and in several non-EU countries (no reactor was stopped as a result but some safety upgrades had been launched), modifications were implemented to increase robustness against external hazards, and revisions of safety standards were undertaken.

[The full PowerPoint presentation (in English only) is available on the PACE Extranet.]

Mr Masiulis said that, drawing lessons from the past (Chernobyl and Fukushima), it appeared that certain types of nuclear reactors were inherently less safe. Questions arose from the human rights angle regarding ways of dealing with the situation when a neighbouring country decided to build a nuclear power plant without proper consultation of the population concerned. Thus, in case of an accident in the Ostrovets power plant currently under construction in Belarus, the Lithuanian capital (where a third of the country's population lived) would be affected. Who would have to handle evacuation and who would have to pay for the damages?

Mr Marschall referred to the area near Fessenheim where the oldest nuclear reactor in France was located. The German population on the other side of the border was very much concerned about its operation and expected closure. It seemed that the results of stress tests had been shared only with the authorities of countries where the reactors were located; however, the relevant authorities of neighbouring countries should also have access to this information. It was also important to know what the responsibility of nuclear facility operators was in case of accidents, such as when evacuation was needed.

Ms McCarthy wondered about the impact of Brexit on the British participation in the Euratom treaty.

Mr Poderys stressed the concern over the construction of the Ostrovets nuclear power plant in breach of many international conventions, such as the Aarhus (Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters) and Espoo (Environmental Impact Assessment in a Transboundary Context) conventions.

Mr Thiéry wanted to know who decided that a nuclear power plant should be closed and how the responsibilities for decision-making in situations of accidents were distributed among various stakeholders.

Mr Cazeau asked about the stages in decision-making on the definitive closure of a nuclear power plant.

The Chairperson enquired about the investment needed to secure safety upgrades in nuclear facilities, in particular with regard to fuel storage pools.

Mr Barbaud explained that the European nuclear safety standards were often stronger than the basic reference standards established by the IAEA. An example of that has been provided separately. A nuclear power plant could in principle be closed immediately if deemed necessary; however some 3-4 years might be needed to ensure a lasting closure and to start decommissioning works which in turn would take several

decades or at least 15 years. Decisions on closure for the oldest reactors were normally taken by the operators, in some cases after the periodic safety review (PSR) (which included an assessment of components' safety given that some components could not be replaced at all) and the analysis of lifetime performance of a plant. PSR also included examination of possible improvements towards meeting the recent safety objectives. In certain situations, an injunction to close a reactor might be issued. Concerning the handling of emergencies at nuclear power plants, the State's liability was unlimited, including as far as compensation was concerned. Regarding the Ostrovets plant, ENISS was aware of an incident on the construction site that had led to a fall of the reactor vessel from several meters' height and subsequent steps to install a new vessel for the reactor.

Mr Desbazeille considered that any human rights implications of nuclear safety and security could be discussed by political bodies and were beyond FORATOM's competence. However, European industrial actors followed attentively the technical aspects of the construction works at the Ostrovets site and WANO (World Association of Nuclear Operators) would particularly scrutinise the process of putting the reactor into service, following its normal internal process. Peer reviews for individual plants were not made public. In the case of the Fessenheim plant, stress tests had been carried out successfully, allowing further operation of this plant. In general, crucial lessons had been drawn worldwide from the accidents in Chernobyl and Fukushima. With that in mind and considering the key features of the Euratom Treaty, the United Kingdom should remain as close as possible to the safety principles set out in the Euratom treaty, and there was very little risk that it would lower its nuclear safety levels as many were based on the principles of the IAEA, of which the UK was a member. With regard to safety of fuel storage pools, the French company EDF had not received a full report of the Greenpeace but another regulatory body (IRSN - *Institut de Radioprotection et de Sûreté Nucléaire*) had seen the report and was already aware of the signals. In fact, many security upgrades had been implemented in a discreet manner as a follow-up to September 11th 2001 events and further measures were gradually implemented in the framework of national security policy.

Mr Masiulis insisted on the need for the report in question to cover human rights implications. Given that nuclear safety and security had to be guaranteed by States, it would be important to hear some official representatives on the situation with regard to the Ostrovets plant as originally proposed by the rapporteur.

The Chairperson summed up the discussion which had been duly recorded so that all the comments and proposals would be transmitted to the rapporteur. He then warmly thanked the experts for sharing their insight and replying to members' questions. The Committee would indeed have a challenging task to take a stand - from both political and technical angles - on this highly sensitive matter for member States. This was why the rapporteur's further fact-finding directly at the IAEA and the NEA was necessary.

In conclusion, the Committee **authorised** the rapporteur to carry out a fact-finding visit to the NEA (subject to the availability of funds).

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Commission des questions sociales, de la santé et du développement durable
(81sièges)

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