

**PROPOSALS FOR A EURATOM
DIRECTIVE SETTING OUT THE BASIC
OBLIGATIONS AND GENERAL
PRINCIPLES ON THE SAFETY OF
NUCLEAR INSTALLATIONS**

**GOVERNMENT RESPONSE FROM THE REPLIES
TO THE DTI CONSULTATION DOCUMENT OF 21
AUGUST 2003**

**Energy Innovation and Business Unit
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Background

The DTI published the consultation document “Proposals for a Euratom Directive setting out the basic obligations and general principles on the safety of nuclear installations” on its website on 21 August 2003. This proposal was aimed at introducing a regional layer of regulation which the Commission believed was necessary to guarantee a high level of safety in nuclear installations in an enlarged European Union. The proposal had three key elements:

- A number of basic safety principles modelled on the international Convention on Nuclear Safety;
- A requirement to provide for the legal segregation of decommissioning funds, thus ensuring that the requisite funds would be available when needed; and
- A process for the verification of safety authorities together with a requirement for Member States to submit annual reports to the Commission.

The consultation document asked for replies by 17 November. Two responses were received.

Detail of the responses

One respondent questioned the extent to which the proposed Directive would apply to facilities other than nuclear power plants, particularly in relation to the segregation of decommissioning funds. They felt this provision was not necessary for nuclear facilities which did not have a finite operational life. The funding of the decommissioning of these facilities could be made from the ongoing revenue stream of the business.

The other respondent questioned the added value of the proposed Directive and did not accept that there were any shortcomings in the international regime that warranted intervention at the Community level. Nuclear safety was a national responsibility and the existing global regime utilising IAEA standards and the Convention on Nuclear safety already achieved a high level of safety. The implementation of a further tier of regulation at EU level would increase the workload of the operators, and more importantly the regulators, and could lead to a reduction in safety. They also felt that a Directive on nuclear safety was not an appropriate place to include detailed provisions on decommissioning funds.

Conclusions drawn from the responses

The concerns and issues raised by the two respondents reinforce the Government’s views on these proposals, notably that there they offer no added value, could undermine national regulators as well as the current global safety regime and therefore lead to a lower level of safety than prevails at present. Both respondents supported the Government’s preferred approach of a non-legally binding instrument and this is the approach the Government continues to take during the discussions in the relevant Council Working Group.