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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
Subject:	The first European topical peer review for nuclear safety - Adoption of Council conclusions

1. While recognising the importance of peer review mechanisms in delivering continuous improvements to nuclear safety, the Nuclear Safety Directive¹ provides for a European system of topical peer reviews (TPRs). This is largely inspired by the peer review process used during the nuclear stress tests undertaken after the Fukushima accident in 2011. Unlike the stress tests, national assessments, which are subject to TPRs, focus each time on different specific technical safety aspects.
2. The first TPR started in 2017 and subsequent topical peer reviews will take place at least every six years. Nineteen countries (sixteen EU Member States and three countries outside the Union) and the Commission, as an observer, participated in the first TPR. The European Nuclear Safety Regulators Group (ENSREG), an independent, expert advisory group with members from all EU countries and the European Commission, identified ageing management as the topic for the first TPR covering nuclear power plants and Research Reactors with a thermal power of 1MW or more.

¹ Council Directive 2014/87/Euratom establishing a Community framework for the nuclear safety of nuclear installations, OJ L 219, 25.7.2014.

3. Due to the importance of TPRs in contributing to nuclear safety, the Presidency proposed to adopt Council conclusions in this respect. Further to intense work done at the level of the Atomic Questions Working Party, consensus was reached on the text in the Annex.²

CONCLUSION

4. The Permanent Representatives Committee is therefore invited to suggest to the Council to adopt, under the "A" items of a forthcoming session, the draft Council conclusions as set out in the Annex.

² In this respect, a successful silence procedure was launched between 26 February and 1 March 2019.

DRAFT COUNCIL CONCLUSIONS ON**The first European topical peer review for nuclear safety**

Acknowledging that:

- Under Article 8e of the amended Nuclear Safety Directive³, the first Topical Peer Review (TPR) started in 2017⁴ and subsequent topical peer reviews are to take place at least every six years. Nineteen countries (sixteen EU MS and three countries outside the EU) and the Commission, as an observer, have participated in the first TPR;
- ENSREG (European Nuclear Safety Regulators Group) identified ageing management as the topic for the first Topical Peer Review covering nuclear power plants and Research Reactors with a thermal power of 1MW or more;
- Based on preparatory work done by ENSREG and WENRA (Western European Nuclear Regulators Association), Member States, acting through their national competent regulatory authorities, developed and published the National Assessment Reports (NARs);
- Member States, acting through their national competent regulatory authorities, and the Commission, as an observer, peer reviewed the NARs;
- The Commission played an active and supportive role in the process of the TPR providing the administrative and logistical arrangements and acted as secretariat of the Board. The Commission also provided opportunities for public participation, information on the process and reports of the outcome of the TPR;

³ Council Directive 2014/87/Euratom establishing a Community framework for the nuclear safety of nuclear installations

⁴ The work was conducted from June 2015 to October 2018. The National Reports have been ready by the end of 2017, the peer review process took place in 2018;

- With a view to improve the overall transparency of issues relating to nuclear safety, different events have been organised by the Commission, Member States and ENSREG, to further enhance public consultation and involvement throughout the process; all NARs and the questions of stakeholders and the respective answers and the Country Specific Findings were published on the website of ENSREG;
- ENSREG agreed the Peer Review Report in October 2018 and published it on its website;
- The main conclusion of the peer review is that Ageing Management Programmes (AMPs) exist in all countries with Nuclear Power Plants (NPPs). Whilst no major deficiencies were identified in European regulation and implementation of AMPs at NPPs, the review identified areas where further work would enhance ageing management, in particular more systematic and comprehensive AMPs for Research Reactors. Furthermore, the review identified that challenges remain at the European level such as on the means to evaluate the effectiveness of AMPs and it highlighted good practices such as the use of external peer review services to provide independent and assessment of licensees' AMPs;
- ENSREG will prepare an action plan setting out how the challenges of the TPR will be addressed, while the participating countries will prepare a National Action Plan on the implementation of their Country Specific Findings, both to be published by September 2019.

THE COUNCIL OF THE EUROPEAN UNION

Introduction

1. WELCOMES the adoption and publication by ENSREG of the report of the first topical peer review under the amended Nuclear Safety Directive.
2. ACKNOWLEDGES that an open, transparent and inclusive process was carried out by Member States and ENSREG, in cooperation with the Commission, and UNDERLINES that it is essential to prepare, organize, carry out and communicate the results of the TPR, through the involvement of Member States and all other relevant actors.

3. ACKNOWLEDGES that proper coordination and complementarity between the activities pursued by the Commission and the Member States with the support of ENSREG and, when applicable, with the support of other relevant fora such as WENRA, in cooperation with Technical and Scientific Support Organizations, are essential for the success of the next TPRs.

Implementation process

4. CALLS on the Member States to deliver National Action Plans by September 2019 in line with the template developed by ENSREG;
5. CALLS on the Commission to ensure that ENSREG prepare by September 2019 an action plan setting out how the necessary measures stemming from the challenges of the TPR will be addressed, as well as a status report of implementation of the first TPR by December 2021;
6. ENCOURAGES the Member States to explore the regulation and implementation of AMPs of their respective nuclear installations, with the license holders;
7. ENCOURAGES the Member States to implement systematic and comprehensive AMPs for Research Reactors in accordance with applicable national requirements, international safety standards and best practices;

Actions for further cooperation and transparency

8. CALLS ON the Commission to invite EU neighbourhood countries to take advantage of participation in EU topical peer reviews, to address the promotion and continuous improvement of the highest level of nuclear safety in third countries;
9. ENCOURAGES the Commission to request the International Atomic Energy Agency (IAEA) to promote a wide dissemination of the TPR outcomes;
10. CALLS on the Member States to transparently communicate their National Action Plans including the necessary actions and corresponding timetable notably through ENSREG to allow adequate follow-up;

Next steps

11. HIGHLIGHTS the importance for Member States to draw lessons from this first TPR, and provide feedback to the Commission, ENSREG and its relevant Working Groups to improve the efficiency and effectiveness of future peer reviews and the involvement of the relevant stakeholders;
 12. INVITES the Member States, in consultation with the Commission, to start considering the topic of the next TPR in the framework of ENSREG not later than 3 years before the next TPR to be performed in 2023 considering the experience from the 1st exercise.
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