



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 January 2013

**17350/2/12
REV 2**

ATO 168

NOTE

from:	General Secretariat of the Council
to:	Delegations
Subject:	Convention on Nuclear Safety - Working Group on Transparency and Effectiveness - Negotiating Directives

Delegations will find attached a revised text on the above following discussion at the Working Party on Atomic Questions on 9 January 2013. In the absence of objections by delegations, this text will be submitted to Coreper/Council for adoption.

The changes to doc. 17350/1/12 REV 1 are in **bold underline**; deletions are marked with ~~strikethrough~~.

NEGOTIATION DIRECTIVES

As the prolongation of their work, the Contracting Parties to the Convention have agreed, at the 2nd Extraordinary Meeting of the Convention held in Vienna from 27 to 31 August 2012, to establish a Working Group on Transparency and Effectiveness (hereinafter referred to as "the Working Group"), open to all Contracting Parties, with the task of reporting to the next review meeting on a list of actions to strengthen the Convention and on proposals to amend it, where necessary.

The Working Group will take into account the overall output of the 2nd Extraordinary Meeting, in particular the initial proposals to amend the Convention itself submitted by Switzerland and by the Russian Federation, as well as the agreed set of action-oriented objectives for strengthening nuclear safety and the proposals to change the Convention procedures which were not accepted and not implemented into the revised Convention procedures approved at the 2nd Extraordinary Meeting.

The Commission shall participate, on behalf of the Euratom Community, **and with regard to matters falling within its competence or shared competence**, in the work, activities and discussions of the Working Group, in close cooperation with the Member States, with a view to achieving unity in their international representation.

The Commission participation at the works of the Working Group shall take into account the outcome from the 2nd Extraordinary Meeting on ways to improve the Convention and its effectiveness based on the main lessons learned from the Fukushima Daiichi accident. Should the enhancement of the transparency and effectiveness of the Convention be undertaken through new revisions to procedures and practices and through the implementation of those provisions by the Contracting Parties (INFCIRC/571-572-573), the Commission shall participate in the discussions with a view to improving the Convention procedures and guidance documents:

- through amendments to encourage Contracting Parties to consider reporting on all types of reactors within their national programmes;
- through encouraging Contracting Parties to take into account the latest International Atomic Energy Agency (IAEA) safety standards;

- through ensuring effective and coherent preparedness and response in case of an emergency or through initiating additional amendments to current instruments in complementing the existing Convention on Early Notification of a Nuclear Accident INFCIRC/335 and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency INFCIRC/336; this objective also includes assessments of risks and potential significant consequences, as well as enhancement of the internal and external cooperation and communication, especially between neighbouring countries;
- through amendments to ensure the reinforcement of the functional separation between the competent authority and any other body or organisation concerned with the promotion, or utilisation of nuclear energy, in order to ensure the independence of the competent authority **from undue influence in its regulatory decision making.**
- through ensuring an increased openness and transparency for all stakeholders.
- through encouraging the use of national and international peer review missions, including the IAEA missions, and the inclusion of reporting on the content and findings of review reports to further enhance the robustness of national reports and the existing peer review process, in particular addressing the results and the progress made by the Contracting Parties in implementing any findings and plans for follow up.

Concerning the amendments tabled by the other Contracting Parties to the Convention on Nuclear Safety itself, the Commission analyses them, in close cooperation with ~~Euratom~~ Member States, with a view to achieving the following:

- (1) To ensure that any amendments to the Convention are evidence-based.
- (2) To extend the scope of application of the Convention by providing for an enlarged definition of the term "nuclear installation" included in Article 20 of the Convention.

The definition of the term "nuclear installation" should be extended to two types of civil reactors excluding those intended to marine propulsion:

- research reactors;
- mobile reactors.

- (3) To update the Convention in line with the latest IAEA safety standards;
- (4) To ensure effective and coherent emergency preparedness planning and information exchange systems (including information about national plans) as well as emergency response, supplementing the existing provisions of Article 16 of the Convention on emergency preparedness; this objective includes enhancement of the internal and external cooperation and communication, especially between neighbouring countries;
- (5) To ensure increased openness and transparency for all stakeholders;.
- (6) To strengthen use of the peer review mechanism which would enhance the existing review process, in particular as regards the content and the findings in the national reports;

During the discussions, the Commission, in close cooperation with ~~Euratom~~ Member States, takes care to ensure the compatibility of amendments proposed to the text of the Convention, or to the Convention procedures and practices, or ~~any other proposal by the working group~~ **any additional proposals or issues arising from the discussions in the working group** with the objectives and provisions of the **Euratom** Treaty and secondary legislation.

The Commission shall present to Contracting Parties the associated Euratom legislative framework and in particular the provisions of Directive 2009/71/Euratom.