



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 20 February 2013

6588/13

ATO 20

OUTCOME OF PROCEEDINGS

from: Working Party on Atomic Questions
on 6 February 2013

Subject: - Proposal for a Council Directive laying down basic safety standards
- IAEA-Euratom-EEAS meeting

- 1. Proposal for a Council Directive laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation**
 - **Debriefing on BSS TG meeting on Tuesday 5 February**
 - **Exchange of views on Radon/NORM: Articles 74, 53, 33, 103, 100 - 102, 75 Annexes VII, XI, XVa, XVI and related definitions (Article 4 – 9, 36, 89) with the objective of reaching as much agreement as possible on the text doc. 17623/1/12 REV 1 ATO 170 SOC 997 SAN 326**

First, the Presidency presented a summary of the results achieved at the experts' meeting held on 5 February 2013.

The technical working group meeting considered some 29 articles and 6 annexes and associated definitions. The main topics covered were:

- Specially authorised exposures;
- The competent authority;
- Transparency;
- Recognition of services and experts and their roles;
- General requirements for sealed and unsealed sources and in particular HASS;
- Arrangements for orphan sources;
- Outside workers directive.

In review, the TG made substantial progress and there are no substantial technical issues outstanding in these articles, including the issue of the Radiation Protection Officer. However, there are still some drafting issues that need to be resolved. In addition, there are a number of points that will need to be addressed either from a legal or political perspective.

One of the recurrent themes is the difference in terms of the role and responsibility between the undertaking and the employer and the possibility that a definition of an employer may be required.

Another issue is the appropriate way in which other legal texts or Commission recommendations should be referred to in the Directive and legal advice will be required on this point.

Legal advice is required with respect to the way in which obligations are placed on Member States and entities within the text, noting that a number of different formulations currently exist in parallel.

Then there is the question of Art. 106 and whether it is appropriate to provide for penalties within such a text.

One thing that is becoming very clear to all is that the TG is now beginning to correct corrections that have already been made in the text: it is therefore probably about time to start to fix the text. To that end the presidency will introduce a silence procedure, first starting with Articles 1 to 17, for agreeing text with a view to provisionally agreeing on sets of articles subject to certain conditions that will be set out.

The Presidency will also present a revised text on articles dealing with medical applications, which would then be also presented to the WPAQ for preliminary agreement by silence procedure.

The next technical working group will take place on 19 February and the topics will be announced in due time to the delegations.

Afterwards, delegations exchanged views on Radon/NORM and the associated articles, annexes and definitions.

From the exchange of views that took place on the basis of doc. 17623/1/12 the following comments could be noted:

- Art. 74, it was agreed to replace "which shall not exceed" with "The reference level shall not be higher than".
- Art. 53(4), it was agreed to replace "which shall not exceed" with "The reference level shall not be higher than".
- Art. 33(3), it was agreed to delete reference to 'less than or equal to 6 mSv per year and' and to delete reference to 'keep exposures under review. The undertaking shall'.
- Art. 103(1), proposed to add 'and reduce' in the second line
- Art. 103(2), proposed to place in brackets [minimise] as a possible replacement of 'prevent', and to add in brackets [as low as reasonably achievable] at the end of the first sentence.
- Art. 100(1), proposed to replace 'programmes are established, where appropriate,' with 'measures are taken, upon indication or evidence of exposure' and to delete reference to 'that cannot be disregarded from a radiation protection point of view'.
- Art. 101(2), proposed to replace the chapeau of this paragraph with 'The strategy shall contain:'.

- Art. 102(1), proposed to delete reference to 'to a competent authority'; to always use 'exposure situations' instead of the term 'exposures'; and replace a part of the sentence 'and, as appropriate, to undertakings, ensure coordination and liaison with other relevant authorities and' with 'ensure appropriate coordination between all parties'.
- Art. 102(3), proposed to add 'optimising protection and'.
- Art. 102(4), proposed to replace the chapeau with 'Those responsible for the implementation strategy shall regularly:'.
- Art. 102(4)(d), proposed to delete 'to undertakings' and 'in the context of overall health and safety requirements.'
- Art. 4(9), it was proposed to add that building material means any 'construction' product.
- Annex XVa(c), it was proposed to add 'excluding food and feedstuffs and drinking water'.
- Annex XVI, it was suggested to delete 'Indicative' in the title of this Annex and add 'such as' in paragraph (1).
- Annex XVI(3), it was suggested to add a new sentence 'Radon measures shall be carried out in workplaces located on the ground floor or at basement level within the areas in paragraph 2. and to delete reference to 'located on the ground floor or at basement level' and 'of the indicators specified in point 2 as well'.

The Presidency invited delegations to send in any written comments on all of the Articles and Annexes on the agenda (Articles 74, 53, 33, 103, 100 - 102, 75 Annexes VII, XI, XVa, XVI) and related definitions (Article 4 – 9, 36, 89) by 19 February.

2. IAEA-Euratom-EEAS meeting, January 25, 2013

- Debriefing by the Commission

The Commission's representative informed delegations that on 25 January last, the first Senior Officials' meeting bringing together officials from the European External Action Service, the European Commission and the International Atomic Energy Agency (IAEA) took place in Brussels. The discussions focused on enhancing cooperation in all areas relating to nuclear technologies, including safety and security of nuclear energy production and research activities.

The cooperation between the IAEA and the EU institutions has grown significantly over the last years, with the EU being a major contributor to the activities of the IAEA, both in terms of financing and technical expertise. Traditionally the cooperation has focused more on non-proliferation and ensuring that all nuclear material is used only for peaceful purposes. After the Fukushima accident, nuclear safety has gained more momentum. Given the scale of the challenges, close coordination between the EU and the IAEA is essential for further strengthening nuclear safety and security worldwide.

A number of delegations expressed their concerns that the WPAQ was not informed in advance of the planned meeting and its agenda and also had doubts that all the parties involved had competence to discuss some of the topics, such as nuclear security or environmental protection.

Member States requested the Commission to provide a written report that would allow the Council to ascertain what the Commission is up to in terms of cooperation with the IAEA, especially as regards nuclear security issues, and whether and how it relates to the existing Euratom-IAEA Partnership.

3. Other business

- CPPNM: delegations were informed that FR has now completed its ratification process.
- Euratom - KEDO: The Presidency informed delegations that doc. 5681/13 was adopted as A item by the Council on 4 February 2013.
- On 30-31 January, the NEA High-level Group on the Security of Supply of Medical Radioisotopes (HLG-MR) met in Paris to report on actions taken to implement the HLG-MR policy principles and to give updates on new infrastructure projects in the group's member countries. Presentations were made on outage reserve capacity, a vital component in ensuring the security of supply of medical isotopes, and self-assessment by the global supply chain. The HLG-MR discussed outstanding issues that prevent the market from achieving long-term security of supply and debated ways in which these issues could be resolved, with a particular focus on implementing full-cost recovery and conversion to the use of low-enriched uranium targets for isotope production.
- ENSREG meeting on 23 January: the Commission's representative informed delegations on the key results of the meeting:
 - ENSREG members analysed and gave their first feedback to the Commission, on a first draft of the proposed revised safety directive produced by the services. ENSREG agreed upon the formation of an ad hoc working group under the chairmanship of Mr. F. Hassel, from the Swedish Radiation Safety Authority. This group will analyse the proposal further in order to formulate a considered and constructive ENSREG position.
 - Mr Molin of the Federal Ministry for Agriculture, Forestry, Environment and Water Management, Division of Radiation Protection was re-appointed in his position as a Vice-Chairman of ENSREG for a period of 2 years.
 - A revised and updated programme for the National Action Plan Peer Review Meeting to be held in Brussels between the 22nd -26th April 2013, was presented by Dr. Klönck of the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. The proposal was approved by ENSREG.
 - The launch of a study on "Emergency Preparedness and Response" was announced by the Commission. ENSREG agreed to cooperate closely with the study during 2013 and to nominate national contact points.

Some delegations expressed strong regrets that the latest two ENSREG meetings were held at the same time as the WPAQ meetings and strongly requested to coordinate planning in order to avoid overlap of dates in the future.

FR delegation noted that the time frame of one month given to comment on the revised safety directive is not sufficient and noted that the Commission should also address competent authorities when announcing launch of such a study as "Emergency Preparedness and Response".

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Next WPAQ meeting will take place on 20 February.