



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 March 2013

6669/13

ATO 23

OUTCOME OF PROCEEDINGS

from:	Working Party on Atomic Questions
on	20 February 2013
Subject:	- Proposal for a Council Directive laying down basic safety standards

- 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 19 February**
 - **Exchange of views on Emergency response: Articles 97,98,99,70,71,72,73,52,18, Annex IX,X, recitals 25,26, 27, 27a and related definitions (Article 4 – 27,28,29,30,31,32,73,74) 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 19 February 2013.

There were three items on the agenda of the technical meeting.

The first was in relation to Art. 75 and associated annexes and associated Art. 25b(2) substantially dealing with building materials and gamma radiation. There was still an open question in relation to the coherence of this provision with regard to legislative provisions under the EU treaty. These open concerns were addressed through a re-ordering of the provisions to help with the logical flow of the requirements, to give primary responsibility to the Member States to ensure that requirements are in place and to provide flexibility to Member States as to how they approach this issue generally. In order to reflect the necessary transparency in relation to these provisions, a new recital was drafted to emphasise this requirement, even though it is explicitly provided in Article 80a.

TG had a lengthy discussion on the associated Annex VII, which defines the activity concentration index, which resulted in a simplification of the text and a more explicit statement that the index is only a screening tool.

Afterwards the TG discussed Article 25b(3) dealing with notification and decided to delete that specific provision as it is no longer required, as the relevant communications are now provided for within the article.

From an expert point of view there are now no technical issues open on this article or its associated annexes. The only drafting issue is in relation to the term 'placing on the market' and this will be referred to the CLS for their quality text review process. There is also a linked quality text issue with Art. 103 which will need to be considered when reviewing that article.

TG moved then to a consideration of Article 10(1), which was signalled in the preparations for the silence procedure on this set of articles as one of the conditions in relation to agreement in principle. There appears to be a difference of opinion with respect to how the summation of doses referred to in Art 10(1) was to be achieved and experts shared their experiences and views, which were for the most part similar and somewhat at odds with the Commission's views as formed from the Article 31 Group of Expert discussions. However, an amendment has been proposed which will be taken up in a new Presidency text and circulated in due course and Member States will be given an opportunity to consider if this has resolved the above mentioned issue in the silence procedure.

The TG then discussed the use of the term "authorised practices" versus practices in relation to doses taken into account in considering in particular, doses to members of the public. Following a general discussion of principles, the TG moved through each occurrence of the terms in the text of the BSS and confirmed its appropriateness. There was very strong technical agreement on the use of "authorised practice" as used in the current draft with only one reservation on this point. However, this led into a renewed discussion on the notification provision and its general utility: the TG might come back to this issue again.

On behalf of the Presidency, the Chairperson thanked all the experts for their continued commitment to this process.

In addition, the Chairperson has been monitoring the outputs from the ad hoc drafting group on the radon provisions and has now come to the view that there is a need to hold an additional focused technical meeting on radon focusing primarily on radon in the workplace and in particular Art. 53. The exact scope of the meeting will be announced in the coming days but the meeting will take place in Brussels on Thursday 21 March following the WPAQ meeting on 20 March. This will be the last opportunity for a TG meeting on this matter under the Irish presidency. It will be very difficult to find a technical solution that all delegations will be happy with without some compromise. Following that final technical meeting any residual issues that have to be debated should be debated in plenary and not at the technical level. All delegations with a particular interest in this issue are thus encouraged to make sure that their experts participate.

As it is becoming very clear that the TG is beginning to correct the corrections that have already been made in the text the time is right to start to fix the text. To that end the Irish presidency introduced a silence procedure, first starting with Articles 1 to 17, for agreeing text. The procedure will help reaching provisional agreement on tranches of articles subject to certain conditions that will be set out.

At the request of some delegations, the Presidency extended the deadline to 27 February for the silence procedure on Articles 1 to 17 (doc. DS 1122/13).

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

Afterwards, delegations exchanged views on emergency response 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. 97(2) and Art. 98(1), suggested to replace 'threat assessment' with 'assessment of potential emergency exposure situations'.
- Art. 98(2), suggested to replace 'to the existing exposure situation following the emergency phase' with 'from an emergency exposure situation to an existing exposure situation'.
- Art. 98(4), suggested to move 'as appropriate' before 'revised'.
- Art. 99(3), suggested to delete 'or', 'with', and 'removal'.
- Art. 70(1), suggested to delete 'responsible for a practice', and to replace 'occurring in its facility or is related to its activities' with 'in relation to the practices for which it is responsible'.
- Art. 70(2)(a), suggested to delete 'emission of'.
- Art. 70(4) and Art. 70(5), suggested to delete 'or the competent authority' and to replace 'victims' with 'those affected'.
- Art. 70(1), suggested to delete reference to 'most' in this paragraph and in the title of this article.
- Art. 73(1), suggested to replace 'regions' with 'areas'.
- Art. 73(2)(a), suggested to replace 'consistent with day to day life' with 'appropriate'.
- Art. 52(2), to replace 'In situations, identified in the emergency plan.' with 'For situations'.
- Annex IX(A)(1), suggested to add 'and associated exposures' and to put in brackets [and malevolent and malicious acts].
- Annex IX(A)(2), suggested to delete 'including establishment and coordination of emergency response organisations with overall responsibilities in managing emergency exposure situations'.
- Annex IX(A)(3), suggested to add 'human activity'.
- Annex IX(A)(10), suggested to replace 'emergency response to' with 'emergency exposure situations to an existing exposure situation including'.
- Annex IX(B)(5), suggested to replace 'the emergency response organisations which has overall responsibilities in managing emergency exposure situations in' with 'with persons and organisations having a role in preparedness and response arrangements and with'.

The Presidency invited delegations to send in any written comments on all of the Articles on the agenda (Articles 97, 98, 99, 70, 71, 72, 73, 52, 18, Annex IX, X, recitals 25, 26, 27, 27a and related definitions (Article 4 – 27, 28, 29, 30, 31, 32, 73, 74)) by 1 March.

2. Other business

- ENSREG meeting on 6 March: the Presidency informed delegations on the agenda of the meeting, which includes: presentation on design pre-licensing; ENSREG position and exchange of views with the Commissioner Oettinger on the revised Nuclear Safety Directive; and progress made by the ENSREG Working Groups.

- Proposal for a Council Regulation establishing a Community system for Registration of carriers of radioactive materials: the Presidency informed delegations that the Council's Legal Service is preparing a legal opinion, which should be available by the next WPAQ meeting in March.
- IAEA-Euratom-EEAS meeting, January 25, 2013: the Presidency informed delegations that the Commission will ask the permission from the other two parties to distribute minutes of the meeting to the delegations. Follow up on this dossier is foreseen for the next WPAQ meetings when the competent Commission's representative shall be present to address the concerns raised by the delegations. The Presidency reminded that it expects a written report, on this meeting and the planned next steps from the Commission, based on which questions could be prepared for the Council's Legal Service regarding appropriateness of the Commission's actions. FR delegation raised its concerns regarding requirement to inform properly delegations and noted that it would raise this point at the Coreper level if information to be received from the Commission is not sufficient.
- Proposal for a Council Directive laying down the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (doc. 8483/12): The Commission's representative informed that the the European Parliament's opinion is scheduled to be voted without discussion on 12 March plenary meeting. The Commission's representative recalled that the Commission has received a draft text with amendments. The EP is disputing the legal basis of this proposal. The Commission is preparing a reply to the European Parliament and believes that all proposed technical amendments are wrong. The WPAQ shall endorse the final proposal, following the text agreed on 14 December 2011, with the new technical provisions, at one of its meetings after the EP opinion is received and send it to Coreper/Council as an I/A item note for adoption.
- Vienna convention on Civil Liability for Nuclear Safety - proposal for its ratification by MSs: SE delegation recalled that the same issue under the Paris convention was dealt by the WPAQ.

*

* * *

Next WPAQ meeting will take place on 6 and 7 March.
