



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From : General Secretariat
to: Delegations
Subject : Nuclear package
- waste management

Delegations will find attached a non-paper jointly tabled by UK/FIN/S and outlining a non-legally binding alternative to a directive on waste management.

Joint proposal from Finland, Sweden and UK for a draft Council Resolution on radioactive waste and spent fuel management

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Recalling Council Directive 96/29/Euratom¹ laying down basic safety standards for the protection of health of workers and the general public against the dangers of ionising radiation,

And Council Directive 92/3/Euratom² on the supervision and control of shipments of radioactive waste between Member States and into and out of Community,

Recognises that the production of nuclear energy generates spent nuclear fuel and radioactive waste, that radioactive waste is generated also in the use of radionuclides in medicine, research and industry, and that releases of radionuclides from spent fuel and radioactive waste may have consequences beyond national borders,

Shares the conviction of the Commission Green Paper “Towards a European Strategy for the security of energy supply”³ that a satisfactory solution has to be found for the radioactive waste issue with maximum transparency,

Notes that the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which entered into force on June 18 2001, aims at achieving and maintaining a high level of safety world-wide in spent fuel and radioactive waste management through the enhancement of national measures and international co-operation;

1. TAKES THE VIEW that each Member State remains responsible for the management of all spent nuclear fuel and radioactive waste under its jurisdiction and for selecting the most appropriate method and time frame for its long-term management and NOTES, in this context, the possibility of mutually agreed co-operation between Member States;

¹ OJ L 159, 29/06/1996, p. 1

² OJ L 035, 12/02/1992, p. 24

³ COM(2000)769

2. CONSIDERS that actions to be taken by Member States for the safe management of spent nuclear fuel and radioactive waste should aim to ensure that all spent nuclear fuel and radioactive waste is safely managed so that workers, the general public and the environment are adequately protected from harmful effects of ionising radiation, both now and in the future;
3. NOTES the provisions of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and URGES Member States to take the necessary measures to ensure full and effective implementation of the Convention, in particular to:
 - a. ensure that the production of radioactive waste is kept to the minimum practicable,
 - b. take all necessary legislative, regulatory and administrative measures required to ensure the safe management of spent nuclear fuel and radioactive waste,
 - c. establish or designate a regulatory body or bodies, entrusted with regulating the implementation of the legislative and regulatory framework, and provided with adequate authority, competence and financial and human resources to fulfil its assigned responsibilities;
4. RECOGNISES that Member States should ensure that adequate financial resources are available to cover the costs of safe management of spent nuclear fuel and radioactive waste, including that from decommissioning activities, and that financing schemes should conform with the principle that the waste producer or current waste owner should pay;
5. CONSIDERS that Member States should put in place arrangements to ensure effective public information and, where appropriate, participation in order to achieve a high level of transparency on issues related to the management of spent nuclear fuel and radioactive waste, in line with European Parliament and Council Directive 2003/35/EC;
6. CALLS ON Member States to establish, on the basis of plans provided by the owners of radioactive waste and spent fuel, clearly defined programmes for the management of all radioactive waste and spent fuel under their jurisdiction and covering all stages of management. These programmes should be established within [three years] and copies should be submitted to the Commission for information

7. TAKES THE VIEW that, in the context of these programmes, all spent nuclear fuel that is not subject to reprocessing contracts or, in the case of research reactor fuel, take-back agreements, should be treated as radioactive waste;
8. SUGGESTS that, in cases where a phase of management takes place in another Member State, that Member State should also endorse the relevant part(s) of the programme;
9. EMPHASISES that such programmes should cover, in particular, all aspects of long-term management, including wherever possible ambitious but realistic timetables, while retaining the flexibility to respond to new information or events;
10. SUGGESTS that Member States' programmes take into account the different steps described in the Annex in respect of the management of all radioactive waste and spent fuel;
11. NOTES that common areas of research and technological development are co-ordinated at the Community level through Euratom Framework Programmes and ENCOURAGES further co-operation between the Member States in common areas of research and technological development in the field of radioactive waste and spent fuel management;
12. CALLS ON the Commission to put in place arrangements to collate reports from Member States on progress in implementing their programmes for the management of spent nuclear fuel and radioactive waste and to integrate the information contained in these national reports into a status report on the management of spent nuclear fuel and radioactive waste in the European Union, to be published every three years.

ANNEX Long-Term Management of Radioactive Waste and Spent Fuel

1. It is envisaged that, particularly for those Member States with nuclear power programmes, a step-wise approach to the development, demonstration and implementation of a long-term radioactive waste and spent nuclear fuel management policy will be essential. There should be a detailed and realistic timetable with specific milestones. Experience in several Member States has shown that ultimate success will depend on the decision-making process being as transparent and open as possible. Therefore, all the steps to be taken should be identified as clearly as possible and be consulted upon at the outset.
2. A key element in the process will be a decision on the siting of a major long-term storage, disposal or other facility. This is a complex and controversial issue that requires very detailed technical work and extensive discussions and consultations with a wide variety of stakeholders, in particular local communities.
3. For example, for the construction of a repository, important stages and milestones in the process would normally include:
 - a rigorous assessment of alternative policy options, including full discussion with the public and other stakeholders, and compliance with relevant laws, rules and other commitments, including [strategic environmental assessment and] environmental impact assessment;
 - selection of disposal principles and repository concept;
 - design evaluation (e.g. of alternative barrier materials, rock types etc.);
 - definition of system design and safety criteria for the system of engineered and natural barriers to ensure protection of human health and the environment;
 - adaptation of system to possible sites, design optimisation;
 - detailed site investigations at one or more possible sites;
 - authorisation for development of the chosen site (in the case of geological disposal, authorisation will probably be conditional on a further period of more detailed underground investigation, possibly entailing the prior construction and operation of an underground laboratory);
 - construction of repository;

- authorisation for operation of repository (possibly initially as a pilot facility in the case of geological disposal).
4. Depending on national legislation and regulations, there may be other identifiable intermediate steps in the process. Particularly important will be the involvement of the national community before deciding the overall policy, and of local communities in the region around potential and selected sites. Sufficient time must be allowed for full public and stakeholder interaction in the decision-making process.
 5. Selection of a site for high-level and long-lived radioactive waste may be expected to take longer than for low and intermediate level short-lived radioactive waste, since a wider range of geological factors and engineered barriers needs to be investigated. For this reason, there is clearly no optimum time for the completion of the above process. However, Member States should set ambitious but realistic and well-defined target dates for each stage in the process.
