

THE FORATOM TRANSPORT WORKING GROUP: PROMOTING EUROPEAN NUCLEAR TRANSPORT ACTIVITIES

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FORATOM, the trade association of the European nuclear industry, was established three decades ago to promote nuclear power and to facilitate relations between the industry and the European Institutions.

These Institutions, to which the 15 European Member States¹ have delegated sovereignty for certain matters, are the Council of the European Union, the European Commission and the European Parliament.

The Council is the embodiment of the European Union Member States. The Council is the Community's legislative body; for a wide range of Community issues, it exercises that legislative power in co-decision with the European Parliament

The European Commission embodies and upholds the general interest of the Union. The President and Members of the Commission are appointed by the Member States and approved by the European Parliament. The Commission is the driving force in the Union's institutional system.

Elected every five years by direct universal suffrage, the European Parliament is the expression of the democratic will of the Union's 374 million citizens. Brought together within pan-European political groups, the major political parties operating in the Member States are represented.

These Institutions have important legislative powers on a considerable number of areas, ranging from everyday life to industrial and environmental domains. As a consequence, thousands of interest groups - covering all sectors of economic and social activity - are interacting with the European Institution on a daily basis. They contribute to the elaboration of Community legislation (especially by providing their technical expertise).

¹ EU Member States: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, Spain, Sweden, United Kingdom).

How FORATOM works ?

FORATOM is a trade association whose members are the national nuclear fora in the EU Member States, and also in the Eastern European states which are candidates for accession to the EU in the coming years.

FORATOM acts as the voice of the nuclear industry in the various European policy debates and initiatives, which affects the industry. It achieves this by organizing the joint views of the industry, through the use of working groups which study specific topics or issues, and articulating these views in debates taking place in the European Institutions.

FORATOM is a technical advisor to international institutions including the International Atomic Energy Agency (IAEA) and the Nuclear Energy Agency of the OECD. FORATOM also serves as a means of consolidating and channeling industry expertise on issues such as uranium supply, nuclear R&D, quality assurance, handling, treatment and storage of radioactive waste, and transport of radioactive material.

FORATOM provides factual information on nuclear topics to the European Institutions, to the industry, to the media and the general public. FORATOM regularly issues a newsletter and organizes discussions and various events in Brussels and other European venues on specific topical themes to offer officials of the European Institutions an opportunity to exchange views with industry experts.

FORATOM communicates on key themes such as sustainable development, the consequences of nuclear phase out, transport of radioactive material, waste management, nuclear situation in countries willing to join the EU, the economics of nuclear power, nuclear safety etc. FORATOM ensures that the nuclear industry has a coordinated voice in the EU Institutions as well as giving the Institutions a clear channel for communication. It allows the industry to respond rapidly to events and to proposed legislation.

The main mechanism, which FORATOM uses in developing messages for use with the European Institutions are the working groups. Over the years, several working groups have been set up within FORATOM. The main working groups that are currently active are these dealing with transport, civil liability, quality management, accession and climate change.

The FORATOM Transport Working Group

The Transport Working Group (TWG) was created in 1993. Its membership includes representatives of major European electricity producers as well as nuclear fuel cycle and transport companies.

The main purpose of the TWG is to develop common positions for the European nuclear industry on the subjects of transport of nuclear materials within and beyond the European Union boundaries. The TWG also plays a key role in developing messages on the subject of nuclear transport, to be used as part of the lobbying effort for the European nuclear industry. The TWG also feeds back to the industry the results of debates and discussions within the European Institutions on subjects relating to the nuclear transport issue as a whole.

In addition, the TWG develops collaboration with other trade associations of representative groups involved in the transport of nuclear materials such as the IAEA, the World Nuclear Association, the World Nuclear Transport Institute, whose experts attend meetings of the Transport Working Group. The following are examples of past and current FORATOM TWG activities regarding European Institutions.

The FORATOM TWG and the European Commission

The legal basis for the actions of the European Commission in the field of transport of nuclear materials has its origin in two treaties:

- the European Community Treaty specific Title V on the common transport policy,
- the EURATOM Treaty Chapter III, which provides the legal framework for setting the Basic Standards on radiation protection.

While the regulations on the transport of radioactive materials are drawn up by the IAEA, and enacted into national legislation of each country, the European Community must ensure that these provisions are consistent with the Council Directives on radiation protection and that they facilitate the functioning of the internal market. Title V of the European Community Treaty on the common transport policy also gives the Community certain responsibilities in the transport of dangerous goods.

To that end, the European Commission funds technical studies aimed at:

- improving the conditions for the safe transport of radioactive materials in the European Union and in the countries willing to join the EU,
- contributing to the elaboration of concrete harmonization proposals in the area of transport of radioactive materials.

For instance, the European Commission has provided through its Directorate General Transport and Energy (DG TREN) financing for 24 studies totaling 2.7 million € for 1996 and 1997. These studies can be technically or regulatory oriented as shown by the examples below:

- Safety assessment of Leaktightness Criteria of Radioactive Material Transport Packages: studies of seal stability and performance under thermal ageing processes and resulting potential for material leakage.
- Further development of radiological criteria and requirements for the transport of LSA and SCO materials.
- Examination of the existing transport emergency arrangements in the Member States and the discussion of the benefits which result.

- Harmonization of the performance of the packages and the level of intrinsic safety of the material.
- Harmonization of procedures for assuring non-contamination on containers for irradiated fuel transports.

The call for proposals 2001, for which a budget of 0.5 million € (500 000 US \$) have been allocated, is focused on several issues including:

- Proposal for structures and provisions for a methodology related to safety assessment allowing joint agreement/certification of packages for the transport of radioactive materials.
- Contribution to the evaluation and adaptation to international regulation in force.
- Gathering of statistics on the transport of the radioactive materials in the European Union and the countries applying for accession.
- Statistical analyses of the transport of the radioactive materials by type of package, by type of transport, doses collected by workers, by population and by sector of use of the radioactive materials in the 15 Member States and the applicant countries.

Although FORATOM cannot personally answer to such call for proposals, members of the TWG have been selected to perform some of these studies. The FORATOM TWG maintains close and regular links with DG TREN which has direct responsibility in the field of nuclear transports by acting as a technical adviser being able to provide recognized expertise on nuclear transport issues, both on short-term and long-term issues.

◆ **The European Commission Standing Working Group on Safe Transport of Radioactive Material (SWG)**

In order to support these activities the European Commission in 1982, at the request of the European Parliament, set up a Standing Working Group (SWG) of national experts with specific competence in the field of safe transport of radioactive materials.

The SWG organizes exchanges of information on the application of the regulations on the international transport of radioactive materials between Member States and both within and outside the European Union. It makes proposals for Commission action in the field of transport of radioactive materials designed to furnish the basic knowledge required to develop the international regulations. It is through the SWG that the above mentioned program of studies have been developed.

The Commission has also been asked to keep the European Parliament and the Council abreast of any new developments in the transport of radioactive materials and to inform them of the SWG's recommendations. For instance, each report by the SWG is sent to the European Parliament who, in turn, issues an "opinion" on the report and makes proposals. The fourth report of the SWG was produced late 1997. The Parliament's opinion was issued in March 2001.

One of the current subjects of interest for the SWG is the implementation of a data form for reporting transport events during transport of nuclear materials in the EU, based on the IAEA INES scale. The SWG gathers the opinion of the different EU national competent Authorities in line with the IAEA's own project. Recommendation will be made by the end of this year.

As far as the SWG is concerned, the FORATOM TWG participates in the meetings, reports about the industry activities and contributes to the technical debate held in the SWG.

The FORATOM TWG and the European Parliament

Over the past decade, the powers of the European Parliament have been considerably expanded, transforming the parliament from a purely consultative assembly into a legislative assembly, exercising powers similar to those of the national parliaments. Still, as far as nuclear issues are concerned, the European Parliament has limited powers but it is nonetheless a very influential opinion maker at the European level.

From October 1999 to March 2001, the transport of radioactive materials in the European Union has been one of the many issues dealt with by the European Parliament, highlighting the role of the Parliament in that very domain.

◆ European Parliament's resolution on the safe transport of radioactive material in the EU

Early 1998, the European Commission forwarded to the European Parliament a Communication concerning the fourth report by the Standing Working Group (SWG) on the safe transport of radioactive materials in the European Union.

The fourth report of the SWG asserts, in particular that *“the risks associated with the transport of radioactive material are low, and incidents/accidents are few and of little consequence”*, that *“no evidence has been put forward that the requirements of the new and that “greater efforts should be made to inform the public... on the safety of transport operations”*.

As called for by rules in force in the European Parliament, communications originating from the European Commission are sent to the European Parliament whose views are gathered in the form of an “opinion”. The first “rapporteur”² on this report was a British socialist MEP whose antinuclear views were well known. The draft report was made public in March 1999. Its content was extremely anti-nuclear to an extent that the Socialist group itself rejected it, even though it was written by one of its own members. As the European elections were scheduled for June 1999, it was decided to reconsider this report, pending the election of the new Parliament.

² The relevant parliamentary committee (for instance, the Committee on the Environment for legislation on pollution) appoints a Member as “rapporteur” to draft a report on the Commission proposal under consideration.

The new European Parliament was elected in June 1999. At its meeting on 13 October 1999, the committee for Regional Policy, Transport and Tourism (RETT) appointed a French Green as the Rapporteur.

The first action taken regarding this report was to organize a public hearing in June 2000. This hearing gathered two experts from the industry side, two representatives from the IAEA, and three officials from the European Commission. One representative from the transport trade union also attended, as well as from two anti-nuclear organizations. Due to the importance of this event, FORATOM encouraged industry representatives to be present at the hearing and asked the IAEA to send high-level representatives. FORATOM also liaised with the industry to make sure that the right messages were delivered to selected Members of the European Parliament (MEPs).

Expert witnesses gave evidence and answered MEPs' questions during the hearing. MEPs questioned the various experts and senior Commission representatives about the adequacy of existing safety standards, public awareness of transport operations, the amount of information provided to local authorities, the choice of transport routes, collision risks and air transport.

This hearing was followed by the release of the Rapporteur report on 8 November 2000. This document constituted an ideological attack against the nuclear industry in general and on reprocessing and transport in particular. This report was simply unacceptable to the industry, the national Competent Authorities and the IAEA.

One of its many weaknesses was the critique of long-established and well-proven transport regulations such as those covering the IAEA tests related to the safety of transport packages. In addition, it relied on non-credible scientific analyses.

As soon as the report was available, FORATOM organized the industry response through an ad-hoc task force involving the main industry players concerned with the report and the FORATOM TWG. FORATOM therefore identified, and met key MEPs who proved to be helpful in defending the industry against this biased report by tabling dozens of amendments.

The report was subsequently criticized by parliamentarians from various political groups during several preliminary exchanges of views. After a long and sometimes tumultuous process during which FORATOM was very active, the report was finally voted on in the RETT committee on 24 January 2001. The result was extremely favorable to the industry. The report now contains positive references for the nuclear industry and on 1 February 2001, the Rapporteur announced her resignation.

It was therefore agreed that the Chairman of RETT, a Greek conservative, would take over as the new Rapporteur. A new report and a new resolution had to be prepared taking into account the amendments voted on at the January meeting of the RETT committee.

The European Parliament has given overwhelming support to this new report dealing with the safe transport of radioactive materials in the EU. MEPs at the March 13th plenary session in Strasbourg voted by 410 votes to 73 in favor of the revised report. This vote reflected the parliament's view that the transport of radioactive materials in the EU is safe and well regulated.

One of the strongest points contained in the final amended report is the condemnation "*in the strongest possible terms (of) any acts of violence while shipments of fuel elements and radioactive waste are being prepared or carried out (e.g. attacks on the police, bombs on railway tracks, destruction of power lines, etc.)*". The report also "*points out that remaining silent about criminal acts, or still more showing understanding for such acts, can easily be construed as legitimizing violence*".

This is the first time that such an opinion has been expressed by the European Parliament. Some parts of the report are not so constructive for the nuclear industry, but the general tone is satisfactory, especially when compared with the original.

During the plenary session, Trade Commissioner Pascal Lamy, speaking on behalf of the European Commission, said the report confirmed that "*measures taken at international and national level ensured a high level of safety for nuclear transport operations*". He added that the report gave European citizens "*enlightened opinion*". This is the result of a long-term effort undertaken by FORATOM with the constant help of the nuclear industry. National competent authorities, trade unions and international experts also contributed to this result.

As shown, the role of the FORATOM TWG vis-à-vis the European Parliament is more political than technical, conversely to the relationship with the European Commission. It consists mainly of making accurate information available, meeting and briefing MEPs to provide a balanced basis for them to form and refine their opinions on nuclear transport issues, and provide the European Parliament with national and international experts when necessary.

Conclusion

Transportation of nuclear materials is one of the many domains where European Institutions are empowered to regulate, notably through harmonization of safety standards or emergency procedures. The nuclear transport community welcomes any initiative that leads to actual improvements in the way nuclear materials are transported throughout the EU.

FORATOM, thanks to its TWG and its daily relationships with the European Commission and the European Parliament, ensures that:

- the interests of the EU nuclear transport community are well represented at each and every level of the EU decision-making process,
- the right technical information is delivered in-time to the relevant Institutions,
- no politically motivated decisions impedes the proper management of nuclear transport operations in the EU.

By networking with European Institutions, FORATOM intends to bring its expertise and knowledge of the nuclear industry to the Commission and the Parliament. Through its permanent presence, the FORATOM TWG contributes to the nuclear debate as a whole by offering EU Institutions a clear picture of the role and practice of nuclear transports.