



HARMONISATION AT EU LEVEL: A WAY TO INCREASE CONFIDENCE IN THE SAFE TRANSPORT OF RADIOACTIVE MATERIALS

Presented by Christian WAETERLOOS, Director, Nuclear Energy,
EUROPEAN COMMISSION (*)
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Mr. Chairman, Ladies and Gentlemen,

It is a great pleasure for me to speak at this conference, which certainly represents one of the key events in the area of the transport of radioactive materials.

But everybody in this room will agree as well that not only is this conference a key event, but its topic, the transport of nuclear materials, is a key to the future of nuclear energy.

In the European Union, about one third of the electricity is produced by nuclear power stations. This involves numerous transports of materials to and from the various installations of the nuclear fuel cycle. But also and in particular outside the nuclear industry there is a high number of transports of radioactive materials in the medical, industrial or research area. As we live in a global market, many of these are trans-border operations.

Of course, major accidents in Three Mile Island and Chernobyl made it more difficult in the last twenty years to look at nuclear as a major source of energy supply in an objective and not passionate way and gave the floor only to anti-nuclear lobbies. Some of the nuclear transport attracted in the past years, the media and public attention, in particular here in Germany, which is a clear indicator concerning the one sided approach.

To reverse the trend and ensure a fair and constructive debate on the merits, but also on the drawbacks of nuclear energy, is a challenge that the European Commission has accepted to meet. The framework will be the Euratom Treaty maintained by the last Inter Governmental Conference, as a separate Treaty but alongside the Constitution. As you might recall, this Treaty was the European positive reply to the vision offered fifty years ago by President Eisenhower in its "Atom for Peace" initiative.

(*) Views expressed are those of the author. They do not necessarily represent an official position of the European Commission

The Commission's Green Paper on Security of Energy Supplies has been an initial step back towards the core of this initiative. The wide contradictory debate organised around the findings of the Green Paper led to a major conclusion: there is an absolute need to keep the nuclear option open for the future, if the E.U. wants to maintain appropriate levels of electricity supply to secure the welfare and economic development expected by its citizens.

However, that obvious choice in favour of nuclear energy as a reliable and economically viable source of energy supply for the future is not innocuous. It implies, in view of the peculiarities of the nuclear industry and the existence of an EU wide electricity market, that not only national authorities but also the European Commission ensure full compliance with the safety, security and non-proliferation conditions foreseen in the Euratom Treaty.

It is also obvious, that citizens will only accept growing nuclear energy again if they are convinced, among other concerns,

- that the design and operation of nuclear installations are safe;
- that spent fuel, nuclear wastes and nuclear installations at the end of their lifetime are properly and safely managed in the long-term; and last but not least
- that the transport of radioactive material, including fresh and irradiated fuels as well as other radioactive substances, is safe and secure.

Although it is true that in the EU safety conditions are, all in all, reasonably well met, I very much regret to say that the public opinion appears to be far from believing it... Public opinion inquiries in the EU showed that safety standards set at Community level would be better trusted than the present national practices.

To meet these public expectations, the Commission proposed two new pieces of legislation at Community level in the areas of the safety of nuclear installations and of the safe management of radioactive waste and spent nuclear fuels. I strongly hope that the revised versions of these directives will be adopted soon by the Council of Ministers.

Having heard this, you may wish to know what the Commission is doing to improve the situation in a sector which is in-between fixed installations, upstream and downstream the fuel cycle. Namely the area of transport.

Just one figure to illustrate the importance of this sector in the EU. A study funded by the European Commission revealed that in recent years over a million packages of radioactive material were shipped annually throughout the European Union. More than 30% of the operations are international and because of their nature more than 90% of the transborder transport

operations are difficult to control and monitor adequately. While it is true that the majority of these shipments consists of radiopharmaceuticals and radionuclides for scientific and general industrial applications, there is no doubt that any transport incident involving radioactive material might cause major concerns in the public and might have a negative impact on the image of the nuclear industry as a whole. Therefore, physical protection and safety measures are of paramount importance. In stating this, I am not bringing any thing new to a long-lasting debate very well known to all of you.

But, as you also know, the existing suite of binding and non-binding international regulatory instruments and regulations, governing the safety and security of radioactive material shipments, is comprehensive but rather complex.

We are usually talking about:

- the Regulation of the International Atomic Energy Agency (IAEA) for the Safe Transport of Radioactive Material,
- the Modal Regulations of the regional and international transport organisations,
- a variety of international Conventions, Codes and Agreements,
- and finally a range of EU Directives, Regulations and Recommendations.

Let's have a look to the IAEA regulation. Member States interpretation and implementation of the International Atomic Energy Agency regulations are subject to wide differences. In addition, since the regulations were first issued in 1961, the IAEA has adopted six revisions in 43 years time to adapt them to the evolutions of technology, know-how, public expectations, etc. More recently, two-yearly updates have been agreed under the pressure of the transport modal organisations. A true challenge for everybody involved in the sector, which the IAEA Secretariat recognises it cannot meet.

It is therefore rather obvious that if nuclear has to remain an electricity supply option in the future for the EU, there is a clear need for clarification of the rules and harmonisation at Community level, also in the transport sector.

Which European Commission course of action might be required?

First of all, the initiatives and activities of the European Commission have their legal basis in the EU Treaty provisions dealing with the common transport policy. But the EURATOM Treaty is also relevant. The main goal would be to ensure that the international requirements are transposed into the national legislations of each Member State in a similar way, allowing

them to be in conformity with the EU Directives on radiation protection and, at the same time, that they do not impede the functioning of the EU single market.

In order to prepare the adoption of EU legislation, the European Commission financed numerous studies intended to perform in-depth analyses of the actual situation in the transport of radioactive materials and to develop suggestions for its improvement. The Commission benefits also from the advice of a Standing Working Group of national experts with specific competences in the field of the safe transport of radioactive materials. The experts proceed to the exchange of informations on the existing regulations and the way they are applied on their national territories and EU wide. From time to time they produce a report describing the state of play in the transport sector and suggesting improvements at Community level.

In the last report of the Standing Working Group, which is expected to be endorsed soon by the European Commission, the authors arrived again at a number of conclusions concerning the benefits of harmonising Member States legislation for the transport of radioactive materials. Such an harmonisation is considered to be in the interest of all stakeholders:

- the citizens, as it would enhance the security and safety of the transports, wherever they live;
- the industry, as it would remove important transport obstacles and costs;
- the EU Member States and the public, at large, as it would guarantee common rules and a similar level of safety, including in the neighbouring countries.

If the benefits of harmonisation are so obvious for every stakeholder, why have we noticed only little progress in the EU in the recent years and which areas have to be looked at?

The first area to be addressed concerns the assessment procedures in the licence and verification processes of transport packages. There are major differences in the certification methods Member States apply. This of course leads to numerous problems as regards to the use of these packages in international transports. An EU Directive harmonising these methods and ensuring that a package certification issued by one Member State is accepted by all other EU countries appears to be highly needed and beneficial.

Another area concerns administrative requirements for the transport of radioactive materials, including transport documentation. Different

procedures and different requirements between Member States lead to obstacles in the free movement of goods within the EU. An harmonised approach is, here also, required.

Emergency arrangements are another area of concern. It is of utmost importance that authorities are properly informed about the detailed circumstances of a transport incident as well as its safety significance. Reports based on similar requirements would facilitate speedy reporting and interventions when needed.

The harmonised application of an International Nuclear Event Scale in the area of the transport of radioactive materials will also help to inform the public in a uniform and standardised manner about the severity of any event reported.

Finally, everybody has to recognize that there is a need for a strong and harmonised system of measures to secure radioactive transports in the EU. A further analysis of packages' safety in the case of external aggression is required. In addition, it seems also recommended to strengthen and standardise the measures against illicit trafficking of radioactive material, for instance through prevention procedures as well as detection and surveillance systems.

In all the areas I have identified, harmonised if not identical rules, would substantially improve the security and safety of trans-border transports of radioactive material.

In addition, joint evaluations between Member States appraising the safety of transport at national and international level would strengthen the regulatory function, enhance the transparency of transport operations, increase public confidence and would lead to the promotion of a sound safety culture in the interest of all parties involved.

The European Commission is willing to make proposals in order to achieve, on the one hand the required level of harmonisation expected, and on the other hand, to verify that rules are properly implemented throughout Europe and protection of the public is felt appropriate.

As a conclusion, I would like to ask a single question: can nuclear energy remain an option for the future in Europe? My personal answer would be yes, but in an economic, responsible, safe, secure and sustainable manner. Harmonisation of requirements, procedures, practices in the transport sector is one of the keys to achieve that aim.

All of you should strongly support such an achievement and assist the European Commission to succeed in its endeavour of creating the

appropriate Community framework that is needed to create confidence in the public, including when it concerns the transport sector.

With such a reasoned hope, I thank you for your attention.

(drafted by: W. Hilden)