

# Brussels careful not to step on toes

The imminent adoption of an EU Directive on nuclear safety is the main advance in European legislation in the area of nuclear power since the current Commission entered in office in November 2004. But Brussels is finding it extremely difficult to take control of nuclear energy policy in Europe. The divisions are too deep.

| by *Hughes Belin*

The previous European Commissioner for Energy, the late Loyola de Palacio, worked very hard to polish up the image of the European nuclear industry. Her successor, Andris Piebalgs, is more restrained by character, and so is his support for nuclear energy. The reason may be that one of his family members was one of the first rescuers to arrive at the site of the Chernobyl nuclear disaster in 1986. Piebalgs neither opposes nor supports nuclear energy explicitly – despite the fact that President Barroso declares himself to be pro nuclear energy.

But De Palacio made a mistake that Commissioner Piebalgs has sought to repair: she proposed draft laws on nuclear safety and radioactive waste management at EU level, which did not have the support of either the EU member states or industry. Her first ‘nuclear package’ in November 2002, provoked fierce resistance among EU

member states, which diluted the effectiveness of her later proposals.

Piebalgs understands the need to reconcile all stakeholders: regulators, NGOs, international organisations, the European Parliament and European citizens. After consultation through many newly established discussion forums, the Commission came up with a new draft directive establishing a European framework for nuclear safety on November 26, 2008. However, Piebalgs’ cautious approach has left its mark on this draft directive. It fails to provide any details apart from defining the different responsibilities and rules to be followed. These rules require member states to apply the safety requirements established by the IAEA and to observe the requirements from the Convention on Nuclear Safety, in other words, rules they already observed.

The directive also ‘encourages’ member states to incorporate additional safety levels in line with recommendations by the nuclear regulators’ global forum, WENRA.

Foratom, the association of the nuclear industry, described the new draft directive as a ‘starting point’ for the creation of a common EU framework on nuclear safety. The Green Group within the European Parliament voiced concerns over the directive’s lack of added value: ‘The main criticism of the current draft is that it is proposing legislation only for the sake of legislating, and that it will bring no additional safety requirements’.

So why introduce this law, if it is superfluous? The answer is that the European Commission has learned its lesson and is treading carefully, to avoid touching national prerogatives. EU Member states clearly do not want ‘additional rules from

Brussels’ and neither does the nuclear industry. An EU official told EER that this new safety law is ‘a first step to introduce safety rules at EU level’.

The question is, can the Commission do much more than it is doing now? The Euratom Treaty which celebrated its 50th anniversary a year ago is still in force because its term was indefinite. All attempts at the Convention on the Future of Europe in 2002-2003 to amend the Euratom Treaty were resisted due to lack of consensus. Opinions differ widely within the EU, ranging from fierce nuclear opponents such as Austria and Ireland to warm supporters such as France, Finland and many of the new member states. The European Commission is obliged to take a neutral stance.

## Housecleaning |

Nevertheless, the Commission is not standing still. In its Energy Security Package



Three anti-nuclear protesters at the Vienna Opera Ball. Photo by: Helmut Fohringer/ANP/Getty Images

published on November 13, 2008, the Commission updated the information contained in its Nuclear Illustrative Programme (PIN), a key periodic strategic summary of nuclear fission in Europe. This time, in response to pressure from industry which was disappointed with the last update in 2007 (after 13 years of silence), the Commission has asked questions about the challenges facing the nuclear sector in Europe and has proffered some timid possible solutions. It urges member states to look into ways of resolving questions relating to nuclear safety, waste management and decommissioning, recognising that 'public acceptance is essential for the use of nuclear energy in Europe'. And the Commission has taken other steps as well. On October 26, 2006, it adopted a non-binding 'Recommendation on efficient use of nuclear decommissioning funds'. On

July 17, 2007, the Commission, with the backing of the Council of European Ministers, created a European High Level Group on Nuclear Safety and Waste Management, comprising the heads of regulatory and safety authorities from the EU member states and a representative of the Commission. Since then this committee has changed its name to the European Nuclear Safety Regulators Group (ENSREG).

In the area of research, the Commission, on September 21, 2007, launched the Sustainable Nuclear Energy Technology Platform (SNETP), in partnership with European industry. And with the backing of the European governments, on November 26-27, 2007, the Commission set up the European Nuclear Energy Forum, to be held twice a year successively in Bratislava and Prague. The Forum brings together high level representatives from

public authorities, Members of the European Parliament, the European Economic and Social Committee, electricity producers, the nuclear industry, consumers, finance, and civil society, 'for a broad and open discussion on the opportunities and risks of nuclear energy'. At the same time, the Commission has been doing some internal housecleaning, completely overhauling the European Supply Agency with new statutes as of February 12, 2008. Its mission is to ensure a regular and equitable supply of nuclear fuels for EU users.

Thus, gradually, the dialogue between stakeholders is bearing fruit in Brussels. Still, consensus is so difficult to achieve that the process is still far from the reaching the objective of making this energy source just like any other, or of reassuring European citizens that the EU has the highest standards in the nuclear energy field. ■

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