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REV 1

ATO 7

NOTE

From:	Presidency
To:	Delegations
Subject:	Reducing the administrative burden of national reporting requirements stemming from Euratom legislation and international reporting obligations

Delegations will find attached a revised version of the note on "Reducing the administrative burden of national reporting requirements stemming from Euratom legislation and international reporting obligations" which was discussed at the meeting of the Working Party on Atomic Questions (WPAQ) on 9 March 2016. Changes compared to doc. 5823/16 are indicated in **bold**; deletions are marked with [].

This revised draft will be presented at the WPAQ on 20 April 2016 and delegations will have the opportunity to make any final comments. The Presidency's objective is to identify ways in which administrative burden can be reduced by harmonising existing Euratom reporting obligations as well as by re-using existing reports which were drafted to comply with other international reporting obligations.

The Presidency intends to submit the final version of this note to the European Commission as a contribution to the Commission's ongoing review of existing planning and reporting obligations in the climate and energy fields.

Cooperation in the field of nuclear safety, waste management, radiation protection and emergency preparedness and response between Member States and the Commission is well established and [] **has proven to provide** added value in terms of safety, transparency, **information exchange** and openness for stakeholders at the European and international [] level.

Some provisions of the Euratom Treaty, [] Euratom directives [] and international conventions related to nuclear safety and radiation protection require the **Member States and the contracting parties** to regularly report on the state of affairs in national implementation **of their obligations or to periodically communicate information about a subject**. These reporting obligations help to monitor the implementation, to support the continuous improvement of nuclear safety and radiation protection as well as to contribute to transparency, **information exchange** and openness towards stakeholders and citizens.

[] **However**, overlaps and duplication in the existing reporting obligations or requirements [] **have been pointed out. Therefore, the content and timing of reports could be harmonised.** The reporting requirements represent an administrative burden on national governments, annually claiming a substantial part of the limited human and financial resources available. Clear advantages [] **in reducing administrative burden might be obtained by streamlining and/or harmonising Euratom reporting obligations with other international reporting obligations. The result could be that the different reporting requirements under the Euratom acquis (e.g. requirements related to nuclear safety or radioactive waste management) are harmonised, but are also connected with other reporting requirements from international organisations such as the IAEA.**

It should be noted that representatives of the key competent authorities in the Member States and the Commission have discussed the issue of administrative burden during meetings, workshops and conferences dealing with the requirements stemming from national reporting obligations. Working groups of ENSREG have also already provided guidelines for Member States' reports that have to

be drafted according to **Council Directive 2011/70/Euratom¹** and **Council Directive 2014/87/Euratom²**, in order to provide a unified structure for reporting and thus contributing to an efficient process. Furthermore, EU Member States have suggested ways to benefit from related reporting **obligations** of the Joint Convention³ (**JC**) and of the Convention on Nuclear Safety (**CNS**). []

[] There **may be** scope for **further** efficiency in the field of **reporting obligations** - for instance reports drawn up [] **under international conventions (in particular the JC or the CNS)** can be used [] to meet **some of** the reporting obligations under **the related Euratom directives such as Council Directives 2009/71/Euratom, as amended by 2014/87/Euratom, or 2011/70/Euratom. Re-using already existing international reports to comply with Euratom reporting obligations** would imply a reduction of the administrative burden of future reporting obligations for Member States []. **Therefore**, harmonising **as much as possible** the frequency of reporting as well as the content of the reports **under the Euratom acquis** with **international** reporting requirements [] **would be useful**. Especially international **peer** reviews of reports **that contracting parties are bound to submit in the framework of such conventions** are a benefit which enhances the quality of the information.

[]

The above example illustrates that a reduction of administrative burden seems to be possible for Euratom reporting requirements by re-using already existing reports compiled to meet other international reporting obligations. The reduction of the administrative burden should of course not lead to a loss of relevant information for the effective implementation of Euratom legislation.

¹ Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste, OJ L 199, 2.8.2011, p.48-56.

² Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations, OJ L 219, 25.7.2014, p. 42–52.

³ Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

The Commission is currently undertaking a general review of existing planning and reporting obligations in the energy field, including inter-linkages to the climate field, with a view to presenting a legislative proposal for the streamlining of planning and reporting in late 2016. The Presidency strongly welcomes this initiative.

While noting that reporting obligations stemming from international conventions will be excluded from the scope of the exercise, the Presidency invites the Commission to take into account the following elements in its review:

- The desired frequency of reporting for various [] **Euratom** directives and regulations [];
- Possibilities of synchronising **Euratom** reporting **with** related **international** conventions [] and other agreements [] **in a way which improves** the efficiency of the reporting process;
- []
- **The development of further reporting templates and guidelines, such as the implementation report templates developed within ENSREG for Council Directives 2009/71/Euratom and 2011/70/Euratom;**
- **Delegations see particular potential for reducing administrative burden within Council Directive 2011/70/Euratom, as well as the potential to coordinate reporting for this Directive with the reporting for the JC;**
- **The development of guidelines on how to use reports drawn up for the JC to comply with certain Euratom reporting obligations.**

Current reporting requirements

To illustrate national authorities' administrative burden, regular reporting requirements under different regimes for the coming years are given in table 1. In table 2 the reporting requirements for individual international regimes are presented according to key topics. The tables illustrate that the content and timing of the reporting requirements could be further harmonised.

Table 1 Reporting requirements for the coming years

Reporting requirement	Frequency	2016	2017	2018	2019	2020
CNS	3 yr	7 th report	7 th RM ^a		8 th report	8 th RM
JC	3 yr		6 th report	6 th RM		7 th report
Council Directive 2011/70/Euratom EU (art 14) ¹	3 yr			2 nd report		
Council Directive 2011/70/Euratom EU (art 14) ²	10 yr					
Council Directive 2014/87/Euratom (art 9.1) ³	--					2 nd report
Council Directive 2014/87/Euratom (art 9.3-IRRS) ⁴	10 yr					
Council Directive 2014/87/Euratom (art 8e.3) ⁵	6 yr		1 report	1 report +1 RM		
Council Directive 2006/117/Euratom (art 20) ⁶	3 yr		3rd report			4 th report
ENSREG ⁷	ad hoc	3 rd NAcP ^b		4 th NAcP		5 th NAcP
PARCOM ⁸	4 yr		report			
OSPAR ⁸	1 yr	report	report	report	report	report
Euratom Treaty (art 36) ⁹	1 yr	report	report	report	report	report
WENRA ¹⁰	ad hoc	report	tbc	tbc	tbc	tbc

1) Implementation/compliance Directive; 1st in 2015

2) **Periodical** self assessment national programme radioactive waste management (**at least every 10 years**)

3) Implementation/compliance Directive; first edition Directive prescribed triennial reporting (1st time in 2014); in the update of the Directive reporting one last time in 2020.

4) Self assessment and IRRS mission, recommended periodicity: every 10 years

5) Topical peer review (EU Directive nuclear safety, art 8e.2 and 8e.3); 1st RM in 2018

6) Implementation Directive; 1st in 2011

7) National action plans post-Fukushima; 1st RM in 2013, 2nd RM in 2015, probably there will be no RMs in the coming years, but still reports will be published biennially.

8) Reporting on releases by nuclear power plants

9) Periodically communication about continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards

10) Reporting in working groups on the implementation of reference levels. No official status. In 2016 reporting on implementation of lessons learned after Fukushima.

a) RM – Review Meeting

b) NAcP – National Action Plan

Table 2 Various reporting requirements, organised **according to key** topics and coordinating international **regime**

	IAEA	EU	OSPAR	WENRA
Safety	<ul style="list-style-type: none"> • CNS⁴ 	<ul style="list-style-type: none"> • Council Directive 2009/71/EURATOM art 9.1 • Council Directive 2009/71/EURATOM art 9.3 • NAcP⁵ (Stress test) • Council Directive 2014/87/EURATOM art 8e.2,8e.3 art (topical peer review) 		<ul style="list-style-type: none"> • RL
Waste	<ul style="list-style-type: none"> • JC 	<ul style="list-style-type: none"> • Council Directive 2011/70/EURATOM art 14.1 • Commission Recommendation 2004/2/EURATOM (art 36 Euratom Treaty) 		
Discharges		<ul style="list-style-type: none"> • Commission Recommendation 2004/2/EURATOM (art 36 Euratom Treaty) 	<ul style="list-style-type: none"> • OSPAR Agreement 2010-3 • PARCOM 91/4/BAT 	
Shipment of waste and spent fuel		<ul style="list-style-type: none"> • Council Directive 2006/117/EURATOM art. 20 		
Security	<ul style="list-style-type: none"> • CPPNM 			

⁴ In addition to the regular CNS meetings, there are also ‘extraordinary’ CNS meetings, organised on special occasions and thus without fixed periodicity, such as the one organised after the Fukushima Daiichi accident.

⁵ The NAcP, National Action Plan, follow-up of the post-Fukushima ‘stress test’ and its evaluation by the competent regulatory authorities and listing the status of actions/measures planned.