

**Proposal for a Council Directive (Euratom) setting up a Community Framework for Nuclear safety (Com (2008) 0790 – C6 0026/2009 2008/0231 (CNS))**

**Amendment 1.**

Recital (13)

| Text Proposed by the European Commission  | Amendment  |
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| The provision of information to the public in an accurate and timely manner about important nuclear safety matters should be based on high level of transparency on issues relating to the safety of nuclear installations. | The provision of information to <i>workers and</i> the public in an accurate and timely manner about important nuclear safety matters should be based on high level of transparency on issues relating to the safety of nuclear installations. |

Justification.

The amendment is consistent with art. 30 of the Treaty establishing the European Atomic Energy Community which provides that basic standards are to be laid down within the Community for the protection of the health of workers and the general public against the dangers arising from ionising radiations, as well as with the EU Directives on information and consultation of workers.

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**Amendment 2.**

Recital 18

| Text Proposed by the European Commission  | Amendment  |
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| The European High Level Group on Nuclear Safety and Waste Management was created to contribute to the achievement of the Community objectives in the field of nuclear safety. For this purpose it should support the development of instruments that are necessary to maintain and continuously improve nuclear safety and that should be applied to the design, siting, construction, maintenance, operation and decommissioning of nuclear installations, for which compliance with safety requirements is required under the legislative and regulatory framework of the Member State concerned. | The European High Level Group on Nuclear Safety and Waste Management was created to contribute to the achievement of the Community objectives in the field of nuclear safety. For this purpose it should support the development of instruments that are necessary to maintain and continuously improve nuclear safety and that should be applied to the design, siting, construction, maintenance, operation and decommissioning of nuclear installations, for which compliance with safety requirements is required under the legislative and regulatory framework of the Member State concerned. <i>Representatives</i> |

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|  | <i>of workers shall be represented in a an adequate manner in the High Level Group.</i> |
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Justification.

Workers run direct risks of radiation in all stages of the operation of nuclear installations and including during decommissioning and when handling and storing wastes. Workers have an intimate knowledge of safety in nuclear installations. Representatives of workers should therefore be adequately represented in the High Level Group, for example through the recognised European social partners.

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**Amendment 3.**

Article 1 – paragraph 2

| Text Proposed by the European Commission   | Amendment  |
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| 2. It shall apply to the design, siting, construction, maintenance, operation and decommissioning of nuclear installations for which consideration of safety is required under the legislative and regulatory framework of the Member State concerned. | 2. It shall apply to the design, siting, construction, maintenance, operation and decommissioning of nuclear installations <i>and including to the subcontractors used by the operators</i> , for which consideration of safety is required under the legislative and regulatory framework of the Member State concerned |

Justification.

A group of workers that is a potential risk factor and is potentially exposed to health and safety risk in nuclear installation are workers involved in activities like repairs, maintenance and cleaning of nuclear installations. Such activity is very often contracted out, and sub-sub contracted. These workers are the least trained and informed, and not integrated in the health and safety procedures of the operator. The Directive needs to make clear that all those involved have a high responsibility for safety and the safety culture.

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**Amendment 4.**

Article 4 – paragraph 3

| Text Proposed by the European | Amendment |
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| Commission  |   |
| 3. The regulatory body shall grant licences and monitor their application on siting, design, construction, commissioning, operation, or decommissioning of nuclear installations. | 3. The regulatory body shall grant licences and monitor their application on siting, design, construction, commissioning, operation, or decommissioning of nuclear installations. <b><i>The regulatory body shall also monitor subcontractors used by operators to ensure they meet safety and competency standards required.</i></b> |

Justification.

An important risk factor as well as a group of workers that is potentially exposed to health and safety risk in nuclear installation are workers involved in activities like repairs, maintenance and cleaning of nuclear installations. Such activity is very often contracted out, and sub-sub contracted. These workers are least trained and informed, and not fully integrated in the health and safety procedures of the operator. To ensure that also they profit from and contribute to the culture of safety the regulator shall monitor them as well to ensure every part of the nuclear chain is monitored and supervised.

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**Amendment 5**

**Article 6 para 2**

| Text Proposed by the European Commission   | Amendment  |
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| As regards the safety of new nuclear power reactors Member States shall aim to develop additional safety requirements in line with the continuous improvements of safety on the basis of safety levels developed by the Western European Nuclear Regulators Association (WENRA) and in close collaboration with the European High Level Group on Nuclear Safety and Waste Management | As regards the safety of new nuclear power reactors Member States shall aim to develop additional safety requirements in line with the continuous improvements of safety on the basis of safety levels developed by the Western European Nuclear Regulators Association (WENRA) and in close collaboration with the European High Level Group on Nuclear Safety and Waste Management.<br><b><i>Representatives of workers shall be represented in a an adequate manner in the European bodies such as the European High Level Group on Nuclear Safety and Waste Management</i></b> |

Justification.

Workers run direct risks of radiation in all stages of the operation of nuclear installations and including during decommissioning and when handling and storing wastes. They have an intimate knowledge of the risks and safety cultures. Representatives of workers should

therefore be adequately represented in the High Level Group. Representation can be through the recognised European social partners. This amendment would also stand is the amendment of the rapporteur 30 is adopted.

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**Amendment 6.**

Article 7 – paragraph 3

| Text Proposed by the European Commission  | Amendment  |
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| 3. Licence holders shall allocate adequate financial and human resources to fulfil their obligations. | 3. Licence holders shall allocate adequate financial and human resources to fulfil their obligations. <i><b>The licence holder shall regularly present an evaluation of employment issues such health and safety and the safety culture, qualifications and training, numbers of staff employed and use of subcontractors, to the relevant regulatory authority.</b></i> |

Justification.

It is generally recognised that the human factor is an important risk in nuclear operations. While the responsibility of the licence holder is clear, reporting on the its safety culture related to the human factor can be improved. A regular report will allow for improvement. The amendment is consistent and complementary to amendment 35 of the rapporteur.

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**Amendment 7**

Article 7 – paragraph (3 b new)

| Text Proposed by the European Commission | Amendment  |
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|  | <i><b>3b (new) The relevant regulatory authorities shall present every 3 years a report on nuclear safety and safety culture to the European Commission and the European social partners. The Commission in consultation with the European social partners can propose</b></i> |

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|  | <i>improvements to ensure nuclear safety and including in health and safety are at the highest possible level in the EU.</i> |
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#### Justification

The Fundamental Safety principles referred to by the European Commission and if adopted through amendment 43 of the rapporteur in the annex, do not establish how experience is improved regarding nuclear safety and especially health and safety. Member States, regulators, the European Commission and the operators and workers' representatives all benefit from a regulator exchange of information and experience allowing for improvements and the establishment of a safety culture that is European wide. Social partners concerned are those in the intersectoral social dialogue and the sectoral social dialogue for the electricity sector.

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#### **Amendment 8**

##### Article 9 –

| Text Proposed by the European Commission  | Amendment   |
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| Appropriate education and training opportunities for continuous theoretical and practical training in nuclear safety shall be made available by Member States separately and through transnational cooperation. . | Appropriate education and training opportunities for continuous theoretical and practical training in nuclear safety shall be made available by Member States separately and through transnational cooperation. <i><b>The European Commission shall consult regularly with the European social partners to improve training in nuclear safety especially through transnational cooperation.</b></i> |

#### Justification

Training needs to be provided and including regarding decommissioning. To improve training standards EU wide cooperation is important. With several companies operating nuclear facilities in different Member States EU level cooperation is important, also to prevent cherry picking of nuclear engineers and other qualified staff.