

Mr Günther Oettinger
European Commissioner for Energy
European Commission
B - 1049 Brussels
Belgium

Guenther.oettinger@ec.europa.eu

Ref.: JWG/cb

Brussels, 23 March 2011

Dear Commissioner Oettinger,

EPSU is the voice of workers in the European energy sector including workers in nuclear power plants. We follow with grave concerns the events in Japan which have caused so much damage and unspeakable suffering to the Japanese workers, their families and communities.

Our colleagues in the nuclear industry are even more implicated as they learn how their colleagues in the Fukushima Daiichi power plants of the private operator TEPCO are fighting to control the imminent dangers and prevent the worst from happening at great risk to their lives. Reports of the IAEA indicate that over 43 workers have been injured and received high doses of radiation. Experts on German TV and CNN argued that these workers will face serious and permanent health problems and could well die. As a public service union we are also conscious of the efforts of many other public service workers from the police, firefighters, army, rescue services and regulatory agencies that are exposed directly while others evacuate or withdraw.

While we welcome the initiative you and the Commission took to bring together governments, politicians and corporate management for the nuclear power sector to consider the situation of the Japanese nuclear power sector and its implications for Europe (14 March), we are disappointed that you did not invite EPSU as recognized social partner and representative of workers in the nuclear power sector. Affiliated unions organize workers in power stations in

Belgium - Bulgaria - Czech Republic - France - Germany - Hungary - Lithuania -
Netherlands - Romania - Slovakia - Slovenia/Croatia - Spain - Sweden -
Switzerland - UK - Ukraine

as well as workers in countries which want to build nuclear power stations such as Italy, Poland and Turkey. We also have relations with Finnish and Russian trade unions organizing workers in the nuclear sector.

Even though I am sure I do not have to remind you that it will be the workers that bear the risks in the first instance if accidents occur, and that our colleagues which are facing the high levels of radioactivity in the Fukushima Daiichi plants are sacrificing their lives to prevent the worst from happening, the fact that we were not invited is of concern. The Conclusions of the special meeting organized by the Presidency on 21 March are not much better.

./...

•
EUROPEAN
FEDERATION
OF PUBLIC
SERVICE
UNIONS

•
FEDERACIÓN
SINDICAL
EUROPEA DE
SERVICIOS
PÚBLICOS

•
FÉDÉRATION
SYNDICALE
EUROPÉENNE
DES SERVICES
PUBLICS

•
EUROPEISKA
FEDERATIONEN
FÖR ÖFFENTLIG
ANSTÄLLDAS
FÖRBUND

•
EUROPÄISCHER
GEWERKSCHAFTS-
VERBAND FÜR DEN
ÖFFENTLICHEN
DIENST

•
ЕВРОПЕЙСКАЯ
ФЕДЕРАЦИЯ
ПРОФСОЮЗОВ
ОБЩЕСТВЕННОГО
ОБСЛУЖИВАНИЯ

A number of points we find important:

The stress tests should be comprehensive, including a thorough review of all factors that constitute a risk. The combined risks of the earthquake, the tsunami, the failing electricity, breakdown of cooling and back-up systems, and possibly other unknown factors was very very low. But it did happen nonetheless. So even small risks and their combined effects can not be ignored given the consequences. This should be extended to the possible effects of global warming. Do the scenarios foresee all possible consequences regarding heat waves and droughts, flooding of coastal areas ? While the chances of global warming beyond 2-3 degrees might be limited especially if a global agreement will be reached to reduce CO2 emissions, it can not be excluded that temperatures rise beyond. What are the risks involved if the higher end of such scenarios would become reality towards 2050-2100 ?

The tests should be done by *independent experts* to ensure confidence and credibility. We understand from Monday's conclusions that the European nuclear safety regulators' association ENSREG will develop harmonized European safety criteria which will be proposed to the European Commission. The national safety authorities will conduct the stress tests according to the conclusions of the Council meeting. While this is appropriate, the risk remains that the industry controls itself with the risk of regulatory capture being high and hence the risk that problems and accidents do not get the attention they deserve. Newspapers report about the documented safety problems before the earthquake hit the privately owned TEPCO power stations in Fukushima Daiichi, indicating these were ignored or minimalized. The relationship between the regulators and the industry is therefore an important issue to be explored again to ensure the nuclear safety regulators have full powers to enforce safety regulations and are independent from the industry.

Representatives of the workers should be involved in the development of the tests. A condition should be that the trade unions in the power plants are involved in the tests of their power station. The results of the tests for each of the power stations are to be discussed with the workers and their unions.

While the focus is very much on the natural disaster, the *human factor* and structural issues should not be ignored. Issues we have expressed concern about in the past include:

- How will demographic changes affect the longer term security as skilled and qualified staff retire in the years to come and new recruitments might not be enough to replace these workers, their skills and experience. What have the companies done to ensure qualified staff for the future ? If there are bottlenecks and possible shortages this is a grave risk factor. It is often ignored that also the decommissioning and the long-term storage of spent nuclear fuels require staff now and in the long future. The stress tests should include how the risk that these workers might not be trained and available at a future date is tackled.
- The impact of working with many sub-contractors often from many different countries on the security of power stations. What do companies do to ensure all sub-contractors respect the appropriate procedures, work with qualified staff, at appropriate pay and conditions etc. It could lead to shoddy work whose problems might only surface many years later.
- Are the whistle-blower protections sufficient to ensure workers do not have to fear reprisals when reporting accidents and problems ? A democratic and transparent work place culture is of the utmost importance with proper information, consultation, dialogue and health and safety committees.
- Do the companies have sufficient financial resources to cover the damage that might be done to workers, the public and the environment in case accidents do

occur ? The direct and third party liabilities are a matter of concern and if not insured properly, the state might be faced with huge bills.

- The stress tests should also include a (re-)evaluation of the risks posed to the storage of nuclear fuels.
- Evaluate if the staffing of the regulatory authorities is sufficient. The current austerity plans of many European governments foresee cuts in public spending. This has resulted in jobs cuts in public services in several countries, in pay freezes and pay cuts. This could affect these authorities, the staffing and resources available for checks and reviews. The risk of missing important details if short staffed and under work pressure can be high.
- Have the risks to emergency staff in the case of accidents been correctly evaluated and is enough been done to ensure their protection. Are evacuation plans for example updated ?
- A structural risk to the nuclear industry can well be the operation of the liberalized electricity market which puts greater stress on companies to operate their facilities to the maximum to generate profits. How is it prevented that the operators of nuclear power stations driven by their greed take inappropriate risks (for example by postponing reviews, maintenance, new parts, etc.).

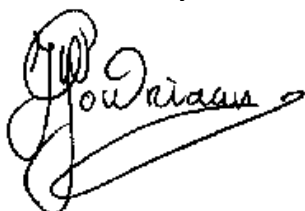
Transparency and openness are of the utmost importance. This should extend to the workplace and the information and consultation of the workforce and their unions. While in the European Union there is a legal framework to guarantee this and unions have the right to association and the right to bargain this is not the same outside of the EU and many of the EU trading partners. If there are no guarantees for work place democracy this can be seen as a risk factor as problems are not reported and discussed openly for fear of reprisals. The EU should consider evaluating exports of nuclear technology to countries where there is no freedom for the workers, but the EU should certainly not support this. It was only in early 2010 that Libya and the French government and companies were considering extending further nuclear cooperation. Is it realistic to consider that staff in the plant and in the absence of free and independent trade unions would report openly on all problems to a dictator ?

The ultimate aim should be to do everything possible to reduce the risks to workers, the public and the environment.

The process of the stress tests might lead to changes for “**Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations**”

We look forward to **hearing** back from you or your staff and **being included** in the work that is involved in developing the criteria for the stress test.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. W. Goudriaan', with a long horizontal flourish extending to the right.

Jan Willem Goudriaan
EPSU Deputy General Secretary