

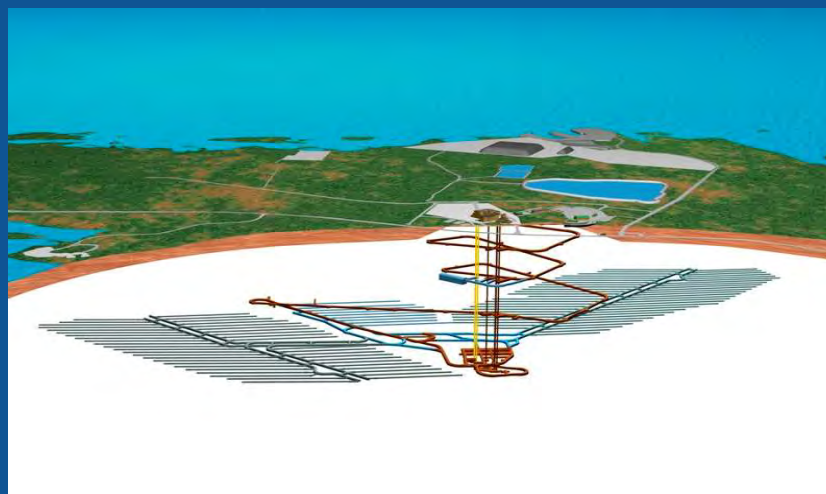


The EU Waste Directive

Workshop

Supporting small European Member States in responding to and reporting on the EU Waste Directive

4-5 December, Luxembourg

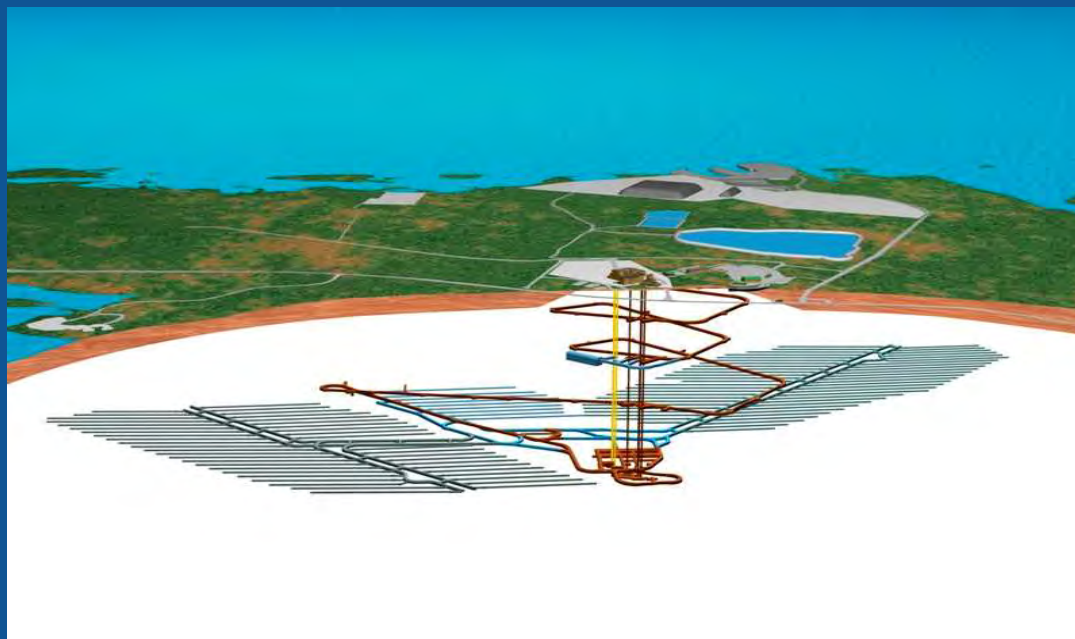


Energy

● Outline

1. Status of the RWD transposition
2. The RWD
3. What is a National Programme (and what it is not)?
4. MS with "small programmes" responding to the RWD
5. Reporting and notification under the RWD (SA and PR)
6. Final remarks

1. Status of the RWD transposition



● State of affairs ^{1/2}

- Deadline for Notification of Full Transposition = 23 August 2013
- Procedures:

Non-Communication

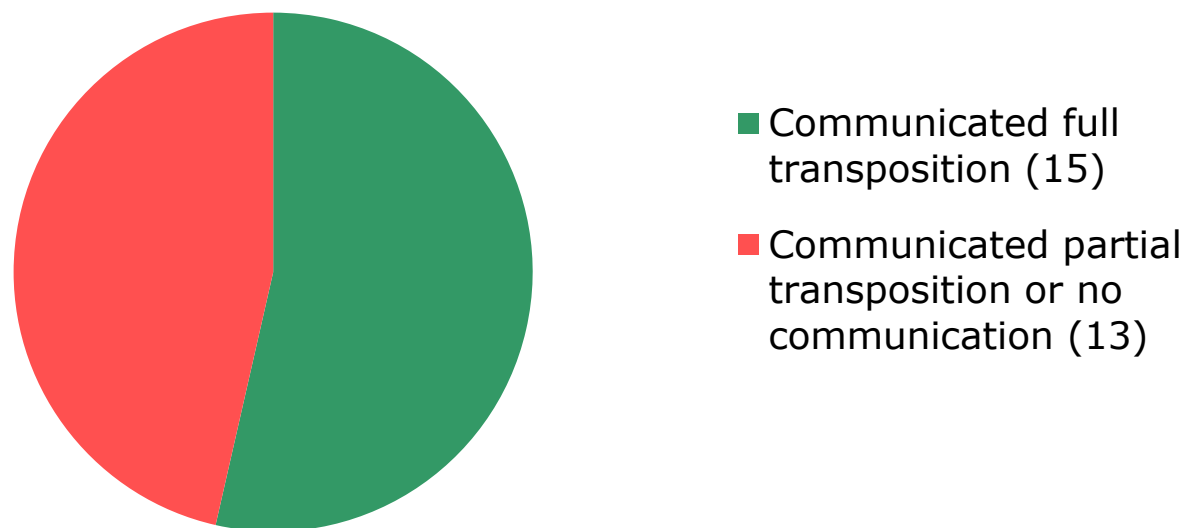
- Letter of Formal Notice
- Reasoned Opinion
- Referral to Court

Non-Conformity

- **EU-Pilot dialogues
(partnership approach)**
- Letter of Formal Notice
- Reasoned Opinion
- Referral to Court

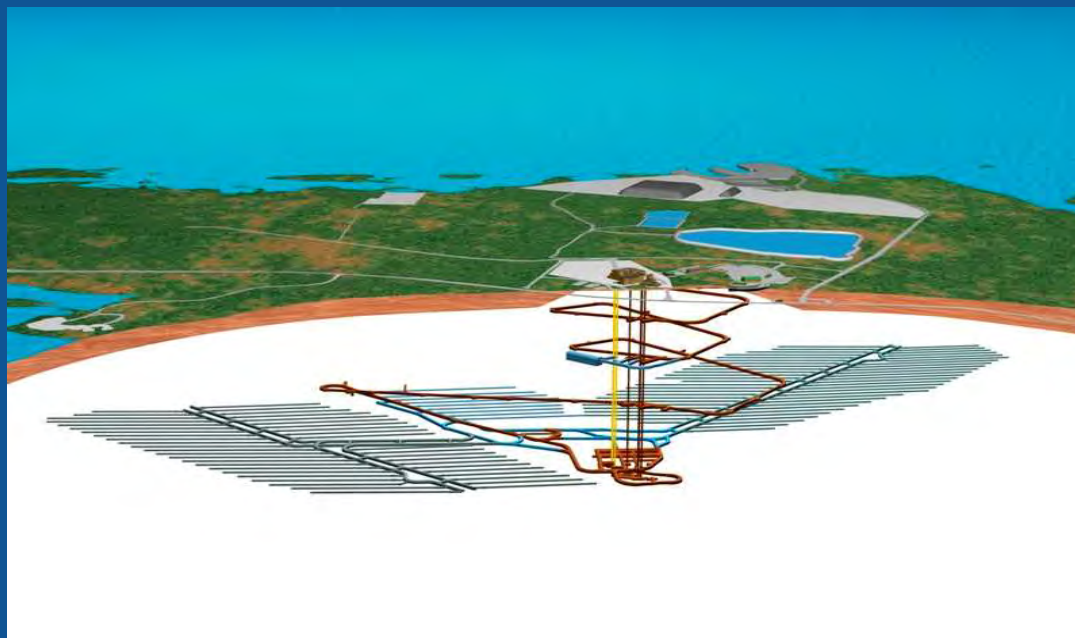
● State of affairs 2/2

Status of MS Communication of Transposition



→ Commission Decision of 20 November 2013 to send 13 Letters of formal notice to the Member States concerned (art.258 TFEU & Art 106a Euratom)

2. The RWD





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● Scope

✓ Spent fuel and
radioactive waste from
civilian activities



✓ All stages of management –
from generation to disposal

● Subject matter and objectives

- ✓ National arrangements for a high level of safety

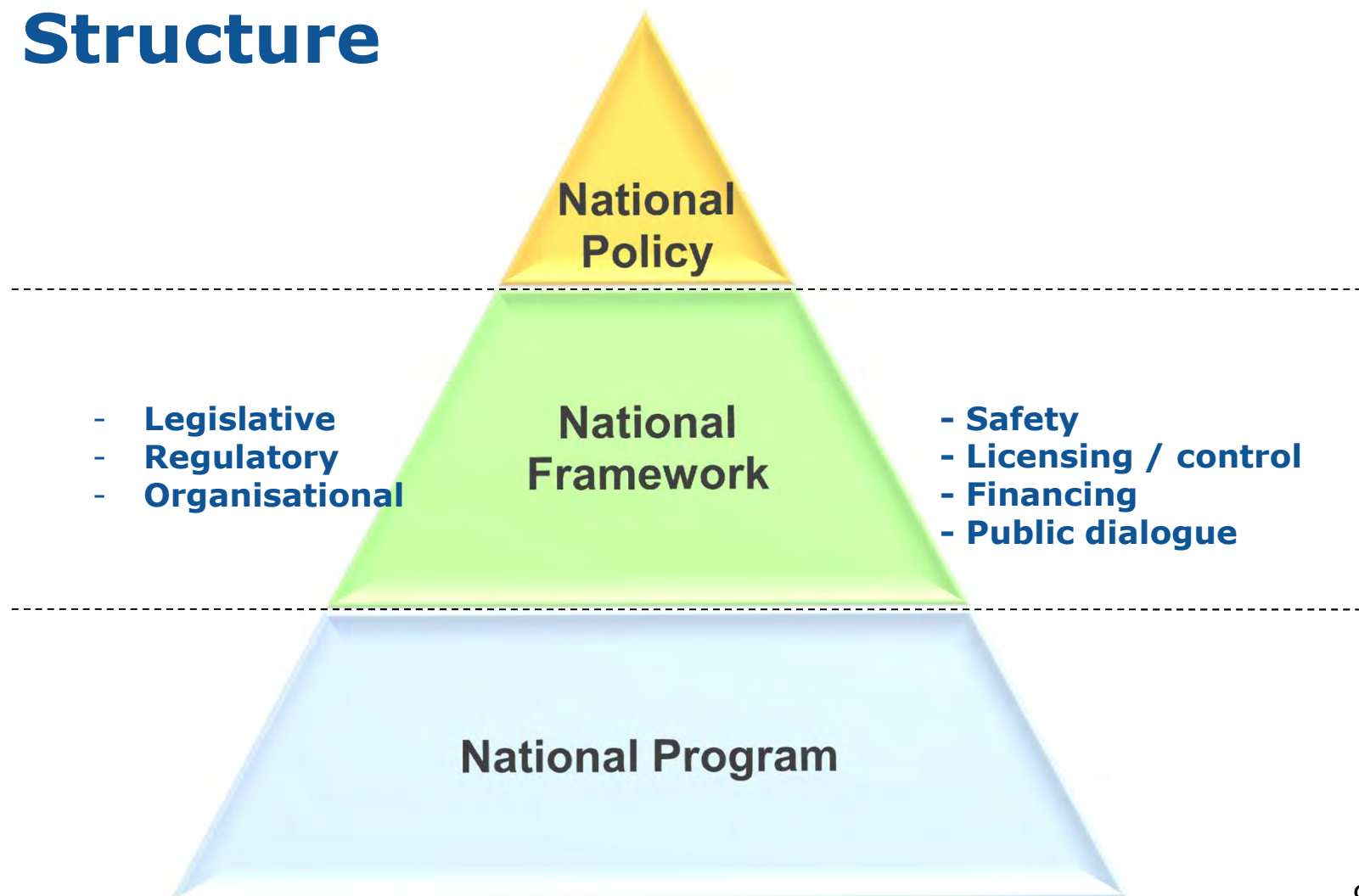


- ✓ Avoiding undue burdens on future generations

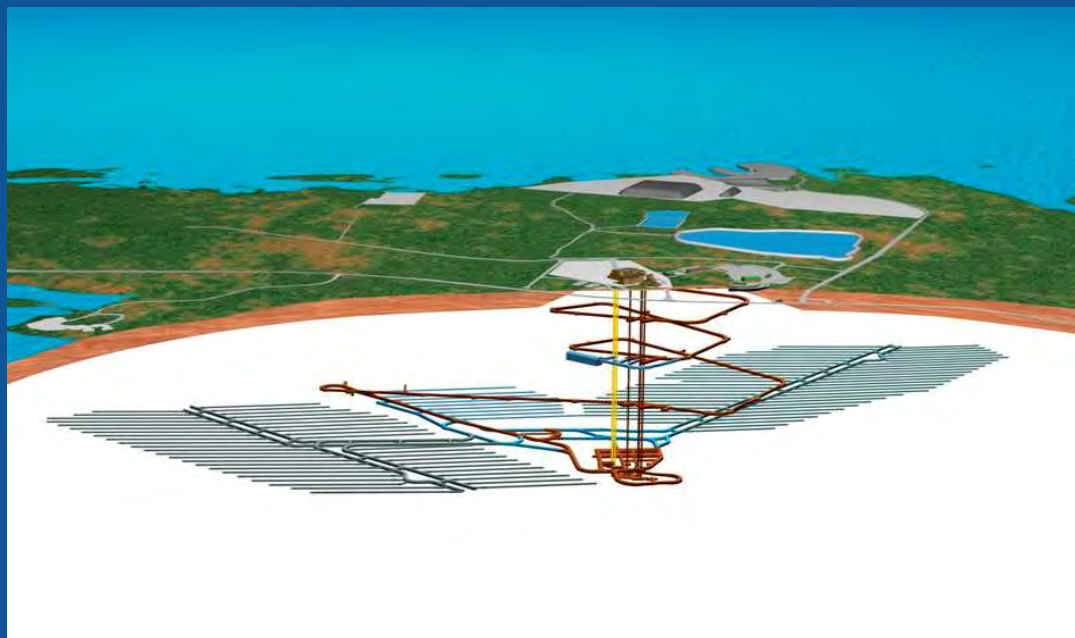


- ✓ Effective public participation in the decision making

● Structure



3. What is a National Programme



Article 11

National programmes

1. Each Member State shall ensure the implementation of its national programme for the management of spent fuel and radioactive waste ('national programme'), covering all types of spent fuel and radioactive waste under its jurisdiction and all stages of spent fuel and radioactive waste management from generation to disposal.

2. Each Member State shall regularly review and update its national programme, taking into account technical and scientific progress as appropriate as well as recommendations, lessons learned and good practices from peer reviews.

● Contents of the NP:

a reflection of the obligations of the whole RWD

Article 12

Contents of national programmes

1. The national programmes shall set out how the Member States intend to implement their national policies referred to in Article 4 for the responsible and safe management of spent fuel and radioactive waste to secure the aims of this Directive, and shall include all of the following:

- (a) the overall objectives of the Member State's national policy in respect of spent fuel and radioactive waste management;
- (b) the significant milestones and clear timeframes for the achievement of those milestones in light of the overarching objectives of the national programme;
- (c) an inventory of all spent fuel and radioactive waste and estimates for future quantities, including those from decommissioning, clearly indicating the location and amount of the radioactive waste and spent fuel in accordance with appropriate classification of the radioactive waste;
- (d) the concepts or plans and technical solutions for spent fuel and radioactive waste management from generation to disposal;
- (e) the concepts or plans for the post-closure period of a disposal facility's lifetime, including the period during which appropriate controls are retained and the means to be employed to preserve knowledge of that facility in the longer term;

Overall objectives reflecting the general principles of Art. 4

Concepts or plans and technical solutions anchored in the national framework (Art. 5) and fully complying with the obligations of Arts. 6 (*Competent regulatory authority*), 7 (*License holders*), 8 (*Expertise and skills*), 9 (*Financial resources*) and 10 (*Transparency*)

● Contents of the NP: a reflection of the obligations of the whole RWD

- (f) the research, development and demonstration activities that are needed in order to implement solutions for the management of spent fuel and radioactive waste; → Art. 7 (*in particular safety demonstration of Art. 7.3 and 8 (Expertise and skills)*)
 - (g) the responsibility for the implementation of the national programme and the key performance indicators to monitor progress towards implementation; → Arts. 6 (*Competent regulatory authority*), 7 (*Licence holders*) and 8 (*Expertise and skills*)
 - (h) an assessment of the national programme costs and the underlying basis and hypotheses for that assessment, which must include a profile over time; → Art. 9 (*Financial resources*)
 - (i) the financing scheme(s) in force; →
 - (j) a transparency policy or process as referred to in Article 10; → Art. 10 (*Transparency*)
 - (k) if any, the agreement(s) concluded with a Member State or a third country on management of spent fuel or radioactive waste, including on the use of disposal facilities. → Art. 4 (*in particular provisions on exports of Art. 4.4.*)
2. The national programme together with the national policy may be contained in a single document or in a number of documents.

● NP in a nut-shell

NP - **is not**

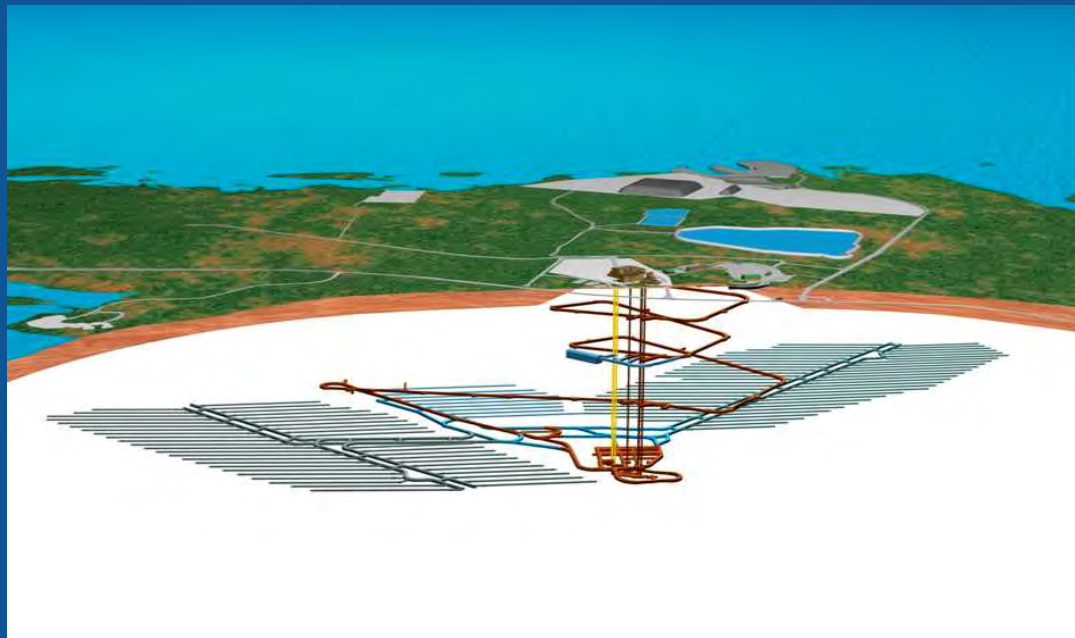
- the place where a MS defines its policy
- the place where a MS defines its national framework, allocates responsibilities or provides for coordination between relevant competent bodies

NP - **it is** (NAPRO Guideline)

A National Programme is the answer to the questions:

- What is your national spent fuel and radioactive waste inventory?
- What are you going to do with it and when will you do this?

4. MS with "small programmes" responding to the RWD



● Responding to the RWD (1/3)

- **Full implementation** of the RWD
- Exemption to transpose and implement provisions related to SF (recital 35)
- **Graded approach** for the implementation of measures (Art. 4.3: General principles)

● Responding to the RWD (2/3)

BUT

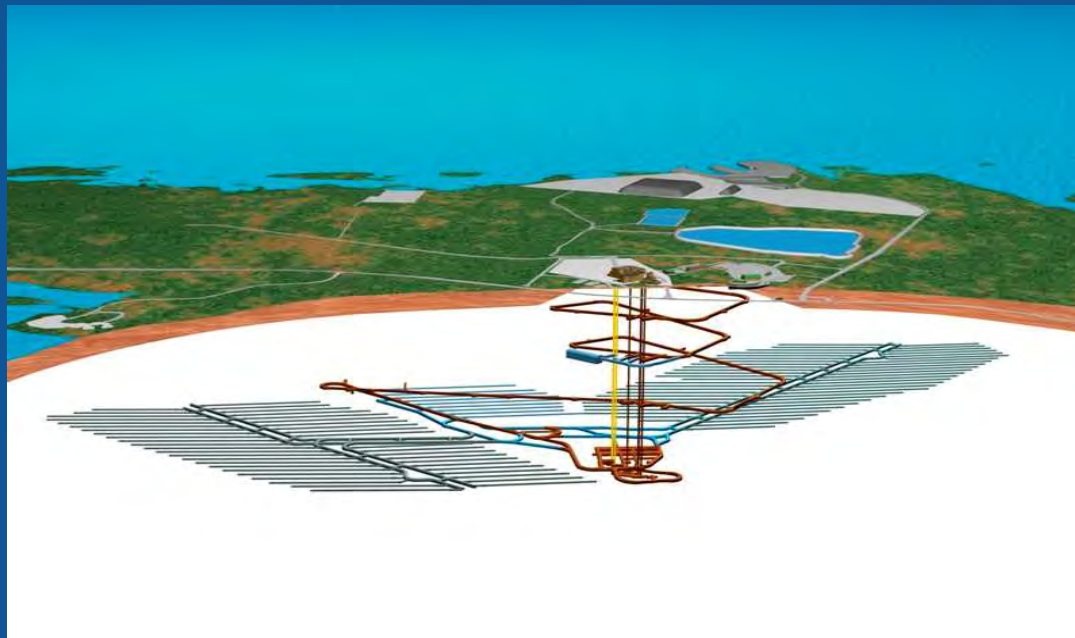
- Ultimate responsibility lies with the MS (government)
- Prime responsibility of license holder for safety (Art. 7)
- Independence of the regulator to be reinforced (Art. 6.2)
- Storage (long-term) is not an alternative to disposal
- MS to ensure availability of adequate funding (Art. 9)
- Education and training: obtain, maintain and develop necessary expertise and skills (Art. 8)
- Transparency and effective public participation (Art. 10)

● Responding to the RWD (3/3)

However

- **Cooperation** between MS and at international level (access to expertise and technology to facilitate and accelerate decision making)
- **Sharing of facilities** for SF and RW management as safe and cost-effective option, *based on agreement* between MS concerned

5. Reporting and notification under the RWD



● **National Programme**

- **Art. 13.1 Notification**

MS shall notify to the Commission their NP and any subsequent significant changes

- **Art. 15.4 Transposition**

MS shall for the first time notify to the Commission the content of their NP covering all the items provided for in Art. 12 as soon as possible, but not later than 23. Aug. 2015.

● **National Reports**

- **Art. 14 Reporting**

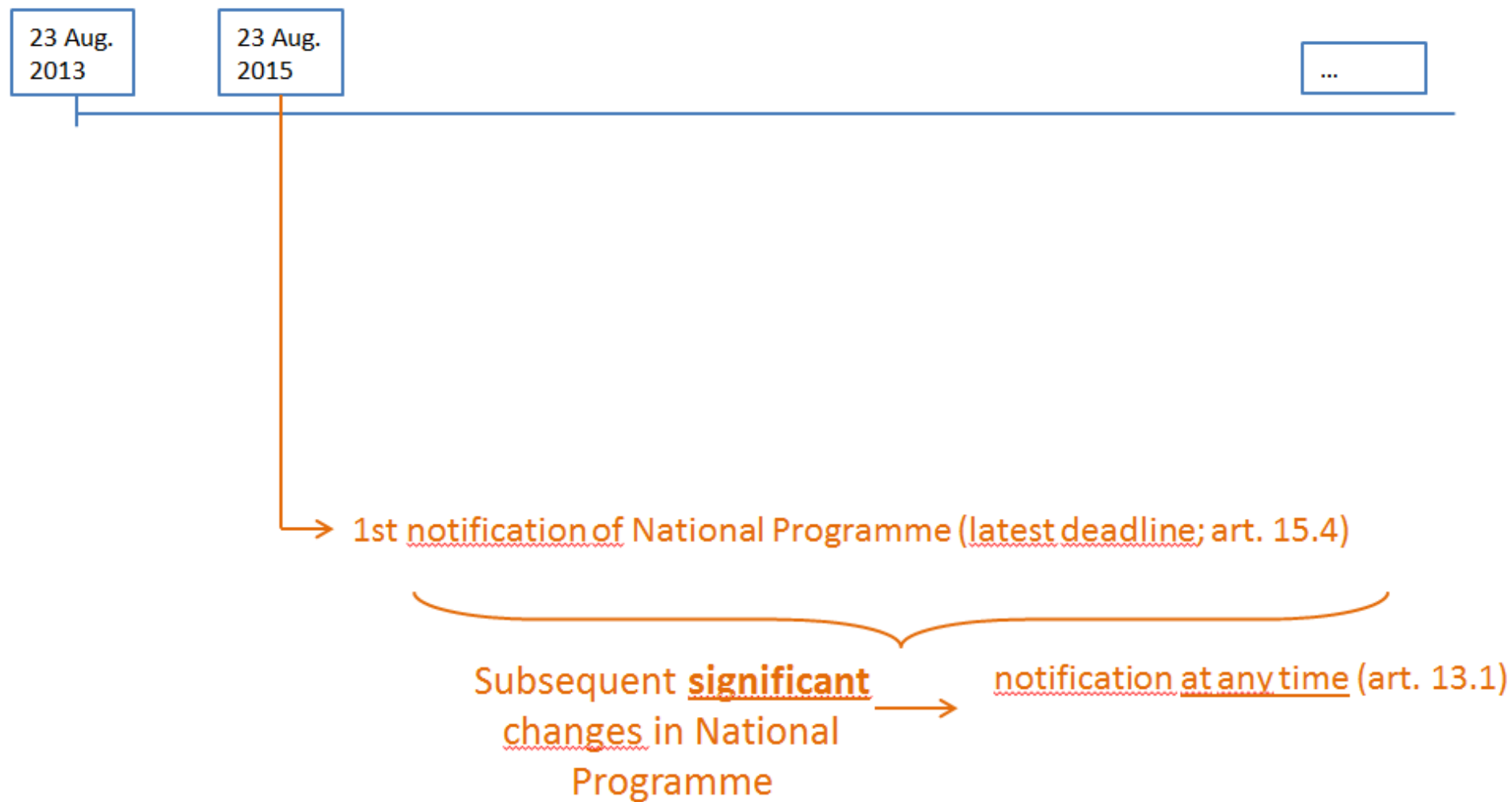
MS shall submit a report to the Commission on the implementation of this Directive for

the first time by 23. Aug. 2015, and

every 3 years thereafter, taking advantage of the review and reporting under the Joint Convention.

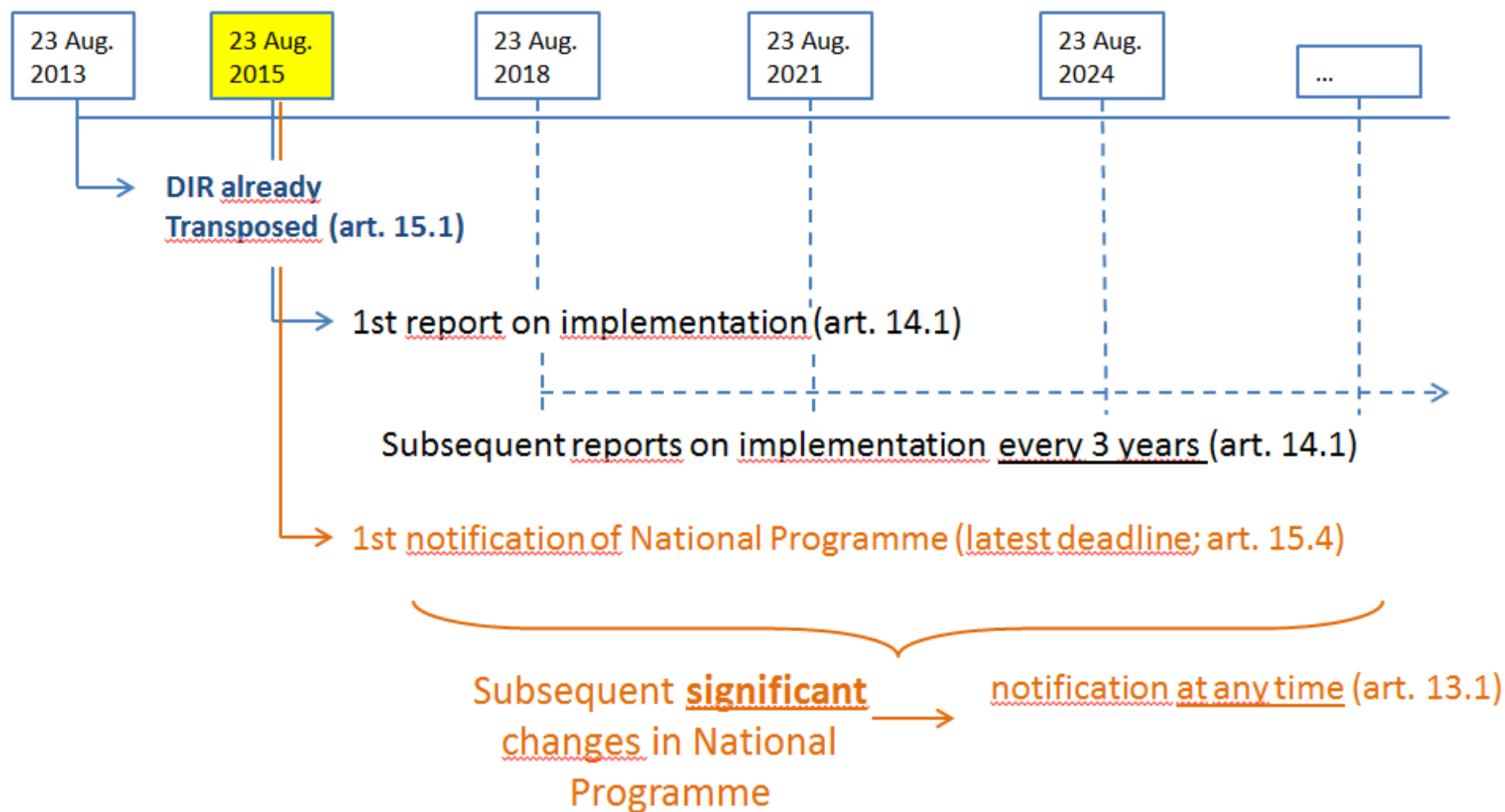
... do not confuse *National Reports* with *National Programmes*!

National Reports	National Programmes
<i>Article</i> 14.1	<i>Articles</i> 5.1a, 11 and 12
<i>Objective:</i> Report to the Commission on the implementation of the DIR	<i>Objective:</i> "ensure the transposition of political decisions into clear provisions for the timely implementation of all steps of SF and RWM from generation to disposal (...) in the form of a single reference document or a set of documents" (Recital 28)
<i>Periodicity:</i> every 3 years, taking advantage of the review cycles of the Joint Convention (Art. 14.1)	<i>Periodicity:</i> Regular review and update as needed (Art. 11.2), resubmission when significant change (Art. 13.1)
<i>First submission:</i> 23 August 2015	<i>First submission:</i> <u>at the latest</u> 23 Aug. 2015
<i>Contents:</i> Guidelines in development by ENSREG	<i>Contents:</i> minimum article 12, Guidelines in development by ENEF-NAPRO



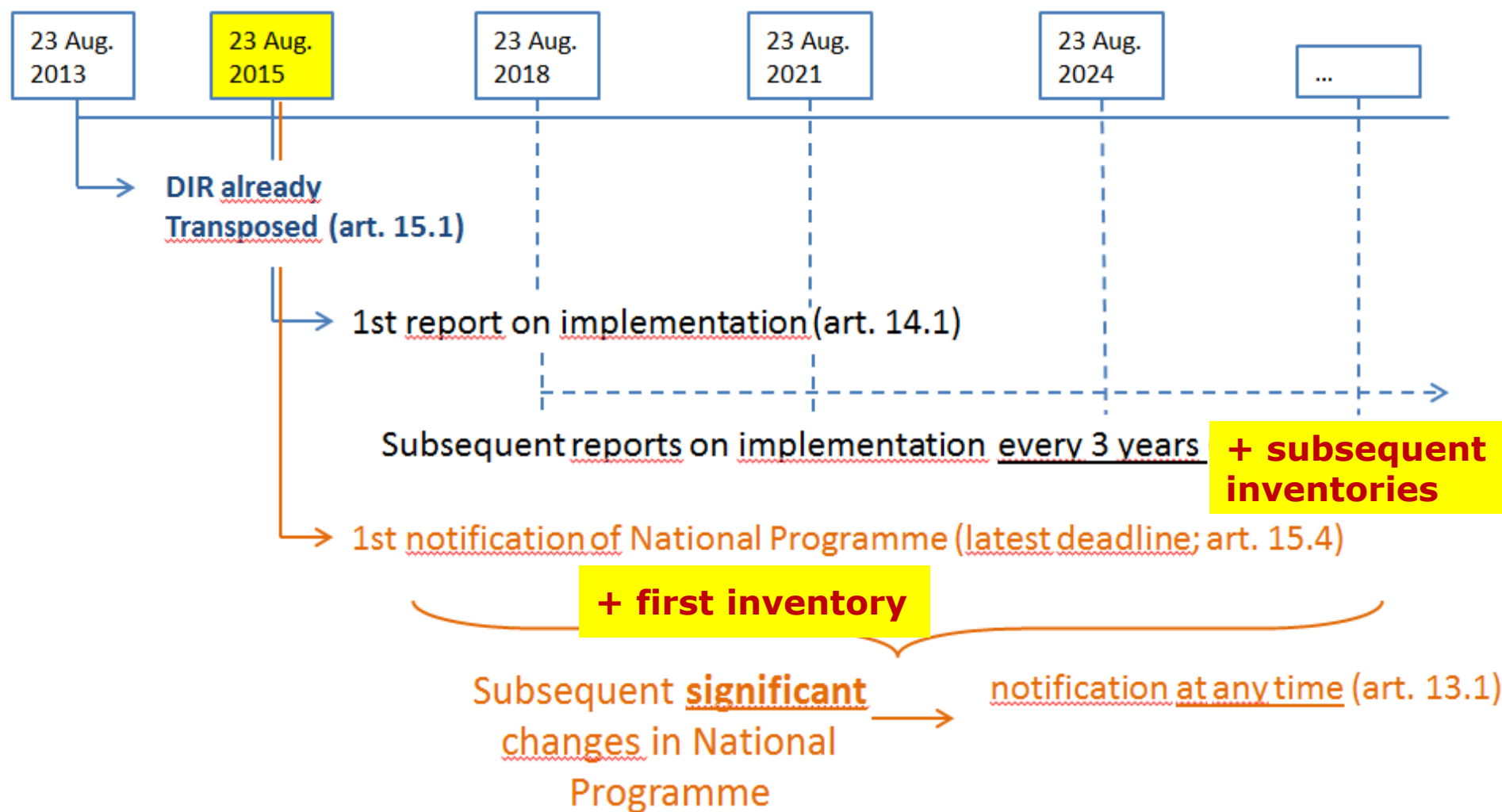


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● Self Assessment and Peer Review

Article 14.3

Member States shall periodically, and at least every 10 years...

1. Arrange for **self-assessments** of:

- ☞ National framework,
- ☞ Competent regulatory authority,
- ☞ National Programme and its implementation

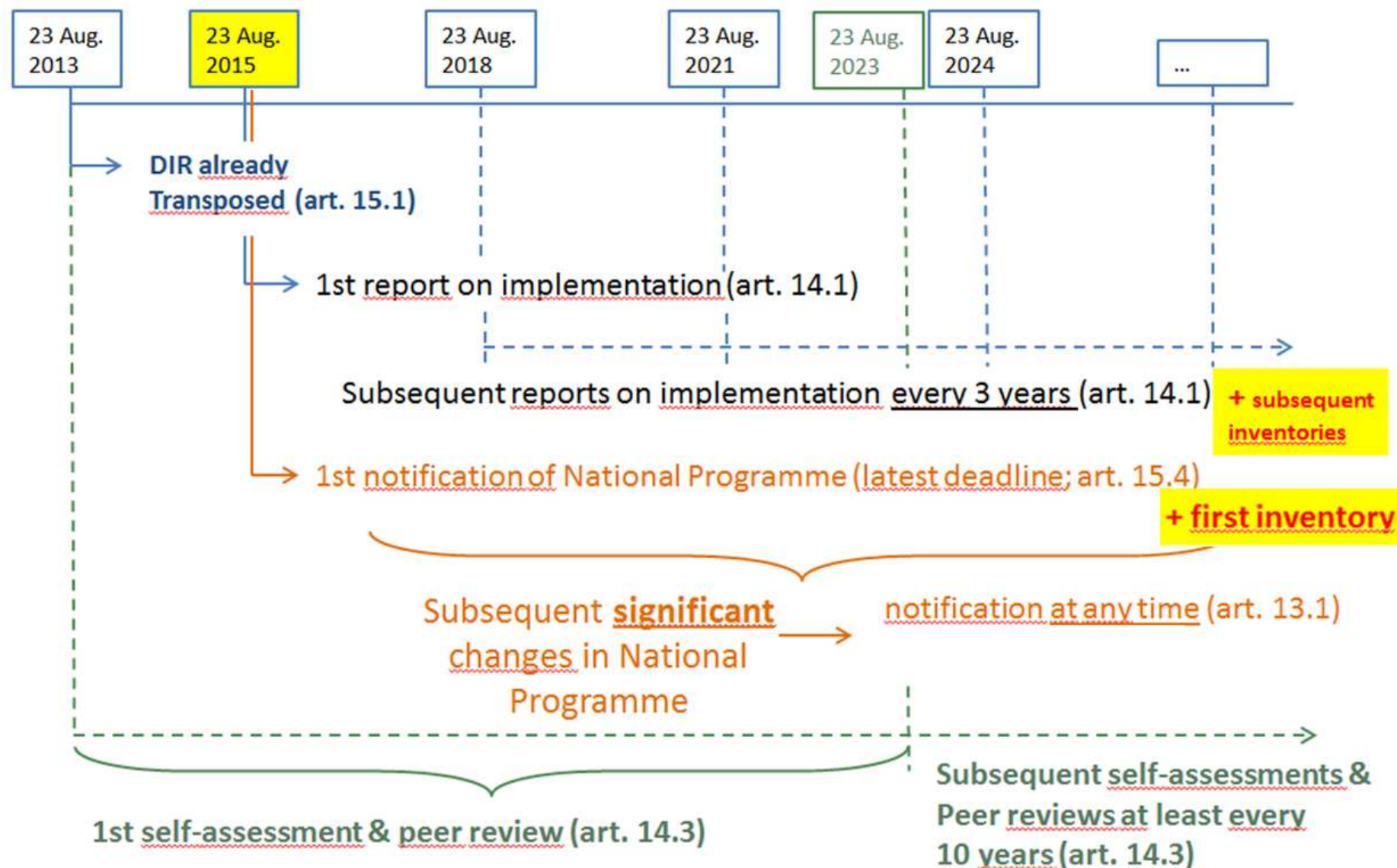
2. Invite **international peer review** of:

- ☞ National framework,
- ☞ Competent regulatory authority,
- ☞ And/or National Programme

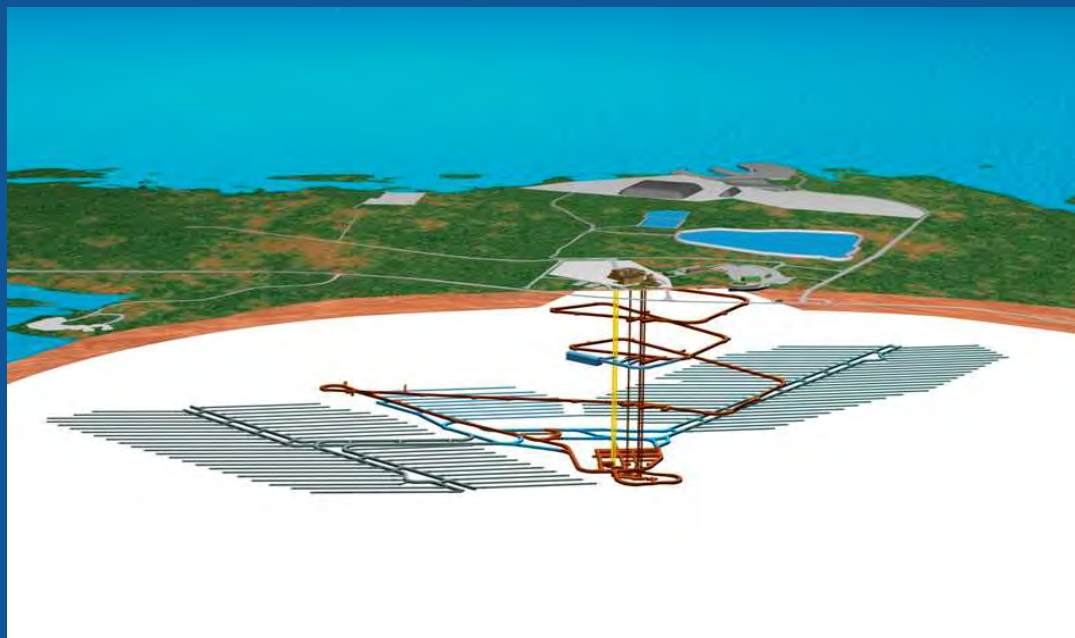
Art. **14.3.:** **Reporting** (cont.)

Outcomes of the self-assessments & international peer reviews:

1. Reported to COM + MS
2. Made available to the public if no conflict with security / proprietary information



6. Final remarks



Directive:

- Safety and Responsibility
- **Wait and See policy not acceptable**
- Implementing the directive → MS take reasonable steps

MS with small programmes

- Initiatives on **Regional approach = pragmatic first step**

But:

- not an excuse for MS for a further **Wait and See** policy and
- for not implementing a national programme and
to identify **how much & what to do & when**

Regional solution → a MS ready to host it

Public acceptance is key to a regional solution

MS to reflect on an appropriate "business case"

Thank you for your attention

Workshop

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