

From: Jan Dictus [mailto:jan.dictus@goja.or.at]

Sent: 13 March 2018 09:10

To: cnfe@goja.or.at

Subject: Answer from Commissioner Cañete on CNFE / NFLA / Bergen op Zoom letter

Dear Mayor, dear Councillor, dear Colleague

In January CNFE wrote together with NFLA and the Mayor of Bergen op Zoom a letter to The European Commission and the European Parliament about cross border transparency and international control on nuclear plants. This is mainly of importance for nuclear plants close to national borders. We informed you about this letter in our mail of 10 January 2018.

Now we have received an answer from the Commissioner for Climate Action and Energy Union Miguel Arias Cañete. A copy of that letter is attached.

CNFE is glad that the Commissioner understood the relevance of our concerns. At the same time, we are disappointed that there are no improvements planned or announced regarding public participation and transparency in relation to 2014/87/Euratom Artikel 8. Although Article 8 and point 12 of the preamble to the Directive make it fundamentally clear that it is essential that the public has access to adequate information; the actual availability of that information depends almost entirely on national legislation. A citizen in the Netherlands on 15 km of a Belgian nuclear plant, has less information and less rights than a Belgian citizen who lives also at 15 km distance. This issue is not answered by the Commissioner.

Such understanding of transparency is certainly not enough for CNFE. Availability of information and the possibility of participation in decision-making process that is equally accessible to all EU citizens will remain an important goal for us in the future.

We addressed the independence of national regulatory authorities, while they make use of expertise and knowledge from the nuclear power companies; the same companies that they should control. We suggest to make this control more international; the Commissioner answers that he even strengthens the competences of the national agencies. The new legally-binding topical peer review under the directive is a step into the right direction. This has to be enhanced by creating the necessary technical competences on a European level for the effective participation of EU bodies in this review process.

Interesting in the answer of the Commissioner is the paragraph at the end of the letter, discussing the relationship between Treaty on the Functioning of the European Union (TFEU) and EURATOM. From the point of view of the Commission EURATOM can be seen as “lex specialis” for nuclear aspects that overrules the TFEU. This should also implicate that in non-nuclear cases – as for example cases concerning rules on competition -, the TFEU or other “lex specialis” are overruling the provisions of EURATOM.

In general, CNFE is happy that the commissioner says he takes our concerns seriously. Unfortunately, he gives no indication that the Commission thinks of making the control on nuclear plants more independent or more international. Also, no sign on improving cross

border transparency can be found in the letter. We hope that the European Parliament has a better understanding for the problems of citizens living close by nuclear plants on the other side of a national border.

Please do not hesitate to contact us if you have question, remark or suggestion on this matter.

Kind regards

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