



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

DIRECTORATE D – Nuclear Energy, Safety and ITER
Radiation Protection and Nuclear Safety

Meeting of the Group of Experts established under Article 31 of the Euratom Treaty

Via WebEx

9 June 2020

SUMMARY REPORT

(Approved by the Group of Experts by written silence procedure 17-30 September 2020)

INTRODUCTION

The meeting of the Article 31 Group of Experts (GoE) took place on 9 June 2020 via WebEx. Apart from the members and observers (including IAEA, WHO, IRPA, HERCA, Norway and Switzerland) of the Article 31 GoE, representatives from DG SANTE, DG RTD, DG JRC and DG ENER attended the meeting.

The Acting Deputy Director-General responsible for the coordination of Euratom policies, opened the meeting welcoming the GoE, noting the prolongation of the current mandate, and introducing the EU policy context. He also informed the GoE on the ongoing European Commission (Commission) activities in ensuring Nuclear Safety in response to COVID-19, in EU taxonomy, as well as in transposition and implementation of the Nuclear Safety, Basic Safety Standards, Drinking Water and Radioactive Waste Management Directives. He finally informed the GoE on the SAMIRA Action Plan and on the special report on nuclear safety issued by the European Court of Auditors following to their audit.

1. APPROVAL OF THE AGENDA

The draft Agenda was adopted with a re-arrangement of the order of two agenda items.

2. APPROVAL OF THE SUMMARY REPORT OF THE MEETING HELD IN LUXEMBOURG ON 13 – 14 NOVEMBER 2019

The Summary Report of the meeting held in Luxembourg on 13 - 14 November 2019 was approved¹.

¹ The approved Summary Report of the November 2019 meeting can be found under <https://ec.europa.eu/energy/en/group-experts>

3. PROLONGATION OF THE CURRENT MANDATE AND NOMINATION OF THE NEW GROUP

The Secretariat informed the Article 31 Group of Experts on the prolongation of their mandate (which would have expired on 30 April 2020), for reasons related to the COVID-19 pandemic, until the new appointments to the group are made by the STC (the next STC meeting is currently planned for 1 – 2 October 2020) or until 31 December 2020, whichever is earlier.

4. EU TAXONOMY

A representative from DG ENER updated the Article 31 Group of Experts on the developments, since the GoE's November 2019 meeting, as regards EU Taxonomy (a building block of the Commission's sustainable finance initiative). The representative presented the general legislative framework, the work of the Technical Expert Group (TEG) on sustainable finance, the ongoing discussions in the Commission services regarding a technical assessment of the do-no-significant-harm criteria of nuclear energy, and the next steps. One option under discussion is to ask JRC to conduct a technical assessment, which should then be evaluated by two independent expert groups with a potential involvement of the Article 31 Group of Experts. The Commission assured the GoE that they would be informed as soon as a final decision on the way forward is taken². The IRPA representative stressed IRPA's support on engaging the Article 31 GoE. The WHO representative noted the timeliness of the discussions in respect to ongoing discussions on a healthy and green recovery from COVID-19³. The HERCA representative asked whether some more information could be already available to the GoE to which the Commission responded by providing the TEG report following to the meeting⁴.

5. FOOD AND FEED – EXTENSION OF THE POST-CHERNOBYL LEGISLATION

5.1 Extension of the Post-Chernobyl regulation

The Post-Chernobyl legislation (Council Regulation 733/2008⁵ as amended by Council Regulation 1048/2009⁶) expired on 31 March 2020.

² By the date of this summary report, the Commission has invited the JRC to carry out the analysis of the 'do no significant harm' aspects of nuclear energy and to draft the relevant technical assessment report, which will be reviewed by independent experts on radiation protection and waste management nominated by Member States and appointed by the Scientific and Technical Committee under Art. 31 of the Euratom Treaty, and experts on environmental impacts from an equivalent Commission expert environmental group/ committee.

³ On 26 May 2020 WHO published a manifesto proposing prescriptions for a healthy and green recovery from COVID-19 (https://www.who.int/docs/default-source/climate-change/who-manifesto-for-a-healthy-and-green-post-covid-recovery.pdf?sfvrsn=f32ecfa7_6). On the same date over 350 organizations representing over 40 million health professionals and over 4,500 individual health professionals from 90 different countries*, wrote to the G20 leaders calling for a #HealthyRecovery (available at <https://healthyrecovery.net/>)

⁴The TEG report on EU Taxonomy may be accessed using the following link: https://ec.europa.eu/info/sites/info/files/business_economy_euro/banking_and_finance/documents/200309-sustainable-finance-teg-final-report-taxonomy_en.pdf

⁵ Council Regulation (EC) No 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station (codified version), Official Journal of the European Union, L 201, 30.07.2008, p. 1 – 7.

At the November 2018 meeting, the Article 31 Group of Experts adopted an Opinion on the Prolongation of the Post-Chernobyl Regulation – Council Regulation 733/2008 amended by Council Regulation 1048/2009, to establish a legally binding instrument extending the latest Post-Chernobyl measures beyond 31 March 2020 for another period of 10 years. In that Opinion, the GoE further confirmed that the currently applicable maximum permitted levels of radioactivity should be maintained⁷.

In January 2019, the Commission Legal Service recommended to prolong the measures in form of an implementing regulation under the general food law – Regulation (EC) N° 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, and in particular Article 53(1)(b)(ii) thereof.

At the June 2019 meeting, the Article 31 GoE adopted an Opinion on the draft proposal for an implementing regulation imposing conditions governing the import of food, minor food and feed originating in third countries following the accident at the Chernobyl nuclear power station⁸. In this opinion, the Group of Experts confirmed that each consignment of mushrooms shall continue to be accompanied by a valid export certificate and considered it appropriate to require documentary checks on all consignments of mushrooms and random identity checks and random physical checks, including laboratory analysis on the presence of ¹³⁴Cs and ¹³⁷Cs. For products other than mushrooms, the experts recommended to maintain current control requirements in terms of certificates and measurements.

At this meeting, the Commission (DG SANTE) informed the Article 31 GoE on the status, content, and next steps for the adoption of the draft implementing regulation on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station. The opinions of the GoE have been taken into account. Following to consultation with the Commission's legal service, the additional legal basis for the implementing regulation is the Regulation (EU) 2017/625, which integrates into a single legislative framework the rules applicable to official controls on animals and goods entering the Union⁹. The final text of the regulation is expected to be submitted for

⁶ Council Regulation (EC) No 1048/2009 of 23 October 2009 amending Regulation (EC) No 733/2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station, Official Journal of the European Union, L 290, 6.11.2009, p. 4–4

⁷ The adopted Opinion on the Prolongation of the latest Post-Chernobyl Regulation – Council Regulation 733/2008 amended by Council Regulation 1048/2009 can be found under: https://ec.europa.eu/energy/sites/ener/files/opinion_on_prolongation_of_post-chernobyl_regulations_15_november_2018.pdf

⁸ The adopted Opinion on a draft proposal for an implementing regulation imposing conditions governing the import of food, minor food and feed originating in third countries following the accident at the Chernobyl nuclear power station can be found under: https://ec.europa.eu/energy/sites/ener/files/opinion_on_implementing_regulation_on_post-chernobyl_measures_13_june_2019.pdf

⁹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No

voting at the Standing Committee on Plants, Animals, Food and Feed – Section Novel Food and Toxicological Safety of the Food Chain - on 23 June 2020. The regulation is expected to be adopted by the Commission by July 2020 and to enter into force on the third day following that of its publication in the Official Journal of the EU¹⁰.

The representative of DG SANTE also informed the Article 31 GoE that, during consultations of the measure in the Standing Committee a number of Member States suggested to initiate, already well before the foreseen review date of the measure in 2030, an up to date risk assessment analysing the actual contamination situation in third countries where the products originate from. In such case, the GoE will be informed and involved.

5.2 Electronic Working group on Radioactivity in Feed and Food of the Codex Committee on Contaminants in Food (CCCF)

The representative of DG SANTE updated the Article 31 Group of Experts on the Electronic Working Group (e-WG) on Radioactivity in Feed and Food of the Codex Committee on Contaminants in Food (CCCF). The e-WG is chaired by the EU (DG SANTE) and co-chaired by Japan.

The IAEA prepared a first draft discussion paper aimed at informing the Codex committee about the issue. The e-WG completed a first round of comments. An updated draft discussion paper, taking account of the comments received, is expected to be uploaded by the end of June 2020 for a second round of comments, followed by a third round in October 2020. The discussion paper is expected to be finalised by December 2020 – January 2021. The discussion within the CCCF is currently planned for May 2021.

The GoE took note of the developments and discussed on the matter. The IAEA remains committed to further contributing to the work of the CCCF. The WHO has been closely following the work while collaborating with IAEA and FAO on the subject matter and already provided input to the draft discussion paper.

6. SAMIRA

A representative of DG ENER presented the status and latest developments of the SAMIRA initiative in the area of medical applications and the respective pilot actions under it¹¹. DG ENER, in co-operation with DG SANTE, DG RTD and DG JRC, is developing an Action Plan, to

1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) [OJ L 95, 7.4.2017, p. 1.](#)

¹⁰ The published Commission Implementing Regulation (EU) 2020/1158 of 5 August 2020 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station (Text with EEA relevance) C/2020/5226 OJ L 257, 6.8.2020, p. 1–13, maybe found in: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2020.257.01.0001.01.ENG&toc=OJ:L:2020:257:TOC

¹¹ https://ec.europa.eu/energy/topics/nuclear-energy/radiation-protection/radiation-medical-use_en

be delivered by Q4 2020 as a contribution to the Europe's Beating Cancer Plan¹². A representative of DG JRC presented an overview of their activities relevant to medical applications.

The WHO representative noted the importance of the bilateral meeting with the Commission held at WHO in January 2020 and stressed their high interest in the continuation of collaboration with the Commission and in particular in the field of medical applications including through the Article 31 Working Party Medical Exposures.

The Article 31 GoE took note of the developments of the SAMIRA initiative.

7. REVIEW AND PRIORITISATION OF THE ACTIVITIES OF THE WORKING PARTIES AND RELATED PROJECTS

7.1 Natural Radiation Sources (WP NAT)

a. EC publication RP 193 - Radon in Workplaces

The secretariat of the Working Party informed the Article 31 Group of Experts on the publication RP 193 Radon in workplaces¹³. The Article 31 GoE took note of the publication and congratulated the WP NAT for this work.

b. Draft report on Building Materials

The Chair of the Working Party presented the progress made with the draft report on building materials highlighting also the strong composition of the Working Party including observers from WHO, HERCA, European Radon Association and UNSCEAR. WP NAT will hold a WebEx meeting on 17 June 2020 to discuss the report on building materials. The report is expected to be ready for presentation to the Group of Experts at their next meeting in November 2020.

The Article 31 GoE took note of the reported progress.

7.2. Medical Exposures (WP MED)

The Chair of the Working Party reported on progress made since their last meeting held in conjunction with the Article 31 Group of Experts meeting in November 2019. The WP MED has focused on reviewing the outcomes of the study on clinical Diagnostic Reference Levels (EUCLID project¹⁴) which is currently at the stage of finalising the publishable report.

In terms of future work, the Chair of the WP MED listed a number of key topics relevant to the group's work including radionuclide therapy, screening, audit, diagnostic reference levels, cumulative doses from medical exposure, individualised medicine and non-medical imaging carried out within a medical facility. As discussed during the Scientific Seminar 2019, further work is needed to support Member States in the implementation of the

¹² <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12154-Europe-s-Beating-Cancer-Plan>

¹³ The published report *RP193 Radon in workplaces* can be found under: <https://op.europa.eu/en/publication-detail/-/publication/93cc4aff-47c5-11ea-b81b-01aa75ed71a1>

¹⁴ <http://www.eurosafeimaging.org/euclid>

requirements on radionuclide therapy in the Basic Safety Standards Directive. In the time of enormous challenge during the COVID-19 pandemic, there is a need for quality systems including radiation protection to support good practice and enable safe response to a rapidly evolving situation. Lessons to learn from the recent experiences should be seen as an opportunity to inform future decisions and actions.

The Chair of the Working Party highlighted the need for strengthened composition of the WP MED in terms of required expertise to meet the upcoming challenges expected to define the working party's objectives and work programme. Priorities will have to be set and an aligned work programme to be drawn by the Article 31 GoE.

The Article 31 GoE took note of the activities of the WP MED and discussed on the emerging topics in the medical field including in the context of COVID-19 response. WHO announced that it will publish a guideline on the appropriate use of imaging for COVID-19¹⁵. Several experts agreed that during and after the pandemic, the observed increased access to technology requires quality management keeping in mind the radiation protection principles.

Setting the scene for the next Article 31 GoE, the Head of Unit D3, Radiation Protection and Nuclear Safety, noted the need to enhance the role of the GoE in providing expert advice in the new policy framework which entails strengthened health authority involvement, to align the work programme of the WP MED with the broader strategic agenda of medical applications (SAMIRA), and to ensure a robust collective expertise anticipating the focus on medical applications in the near future.

7.3. Research Implications on Health and Safety Standards (WP RIHSS)

a. EU Scientific Seminar 2018 on Management of long-term exposure after a nuclear or radiological accident

The Chair of the Working Party presented the final draft proceedings of the EU Scientific Seminar November 2018 on *Management of long-term exposure after a nuclear or radiological accident*.

The Article 31 Group of Experts discussed and approved the proceedings for publication in the radiation protection series of the European Commission (RP-192)¹⁶.

b. EU Scientific Seminar 2019 on Developments in nuclear medicine – new radioisotopes in use

¹⁵ The WHO rapid advice guide on use of chest imaging in COVID-19 can be downloaded using the following link: <https://www.who.int/publications/i/item/use-of-chest-imaging-in-covid-19> . Available in this page are the main body of the guide with the recommendations, and two online annexes with the results of the evidence review and the GRADE evidence-to-decision tables.

¹⁶ The published proceedings *RP192 Management of long-term exposure after a nuclear or radiological accident* can be found under <https://ec.europa.eu/energy/en/topics/nuclear-energy/radiation-protection/scientific-seminars-and-publications/radiation-protection-publications>

The Chair of the Working Party presented the final draft proceedings (version 04.06.2020) of the EU Scientific Seminar 2019 on *Developments in nuclear medicine – new radioisotopes in use* prepared by the WP RIHSS.

The Article 31 Group of Experts approved in principle the proceedings for publication in the radiation protection series of the European Commission (RP-194), asking experts to provide final comments on the proceedings to the Secretariat by 23 June 2020. The WP RIHSS will finalise the publication on the basis of the potential comments from the GoE and responses from authors to reviewers comments during their proofreading.

c. EU Scientific Seminar 2020 on Radiosensitivity of children

At the November 2019 meeting, the Article 31 Group of Experts agreed to hold the EU Scientific Seminar 2020 on **“Radiosensitivity of children”**.

At its meeting in May, the WP RIHSS prepared a draft programme for the seminar proposing topics for presentations and potential speakers. The Chair of the WP RIHSS presented the draft programme and the revised title of the seminar **“Radiosensitivity” of children - Health issues after radiation exposure at young age**.

The Article 31 GoE discussed and agreed on the content of the draft programme of the seminar as to include the following topics:

- *Individual Response to Ionising Radiation – Radiosensitivity of Children*
- *Cancer risks after radiation exposure of children – overview of epidemiological studies (short-term and long-term exposures)*
- *Neurocognitive effects after radiation exposure of children*
- *Dosimetry and dosimetric challenges in paediatric radiology and radiotherapy*

The Article 31 GoE also agreed to provide proposals for additional potential speakers to the Chair and the secretariat of the WP RIHSS by 23 June 2020. The WP RIHSS will decide on speakers and finalise the programme.

The Article 31 GoE also discussed alternative options for the Scientific Seminar in case a physical meeting would not be feasible due to the evolution of the COVID-19 pandemic. The general opinion showed the Group’s preference to hold a webinar instead of postponing the seminar to a future date. The Commission will look into possible options and inform the GoE on any development.

The Chair thanked all the working parties for their work.

8. EMERGING ISSUES IN MEMBER STATES WITH POTENTIAL IMPLICATIONS ON A EUROPEAN LEVEL

a. Presentation of Use of ionising radiation technologies in the fight against COVID-19 and open discussion on radiation protection issues

A representative of DG ENER presented areas where ionising radiation technologies have been used in the fight against the COVID-19 pandemic and which entail radiation protection challenges including as regards patients and medical workers. IAEA reported their respective activities running a series of webinars on different topics encountered during the pandemic, in particular with regard to radiation protection issues in the medical field.

The Article 31 GoE took note of the information.

b. Additional emerging issues suggested by the members of the Group of Experts

No additional emerging issue was suggested.

9. OTHER BUSINESS

No other business was raised.

10. DATES OF THE NEXT MEETING

November 2020

The ***November 2020 meeting*** of the Article 31 Group of Experts will be held on **17 – 18 November 2020 by Webex.**

CLOSURE OF MEETING

The Head of Unit D3, *Radiation Protection and Nuclear Safety*, thanked the Group of Experts for a constructive meeting and the Chair for successfully guiding and coordinating the online meeting.