



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

Luxembourg, 18 – 19 November 2015

SUMMARY REPORT

(Approved by the Group of Experts at the meeting 31 May – 2 June 2016)

INTRODUCTION

The Head of Unit Radiation Protection and Nuclear Safety welcomed the participants to this meeting of the Group of Experts. The Secretariat informed the Experts on apologies.

1. APPROVAL OF THE AGENDA

The agenda was approved without amendments.

2. INFORMATION ON THE SUMMARY REPORT OF THE MEETING HELD ON 10 – 11 JUNE 2015

The Summary Report of the meeting held on 10 – 11 June 2015 has been approved without amendments and is published on the Europa website¹.

3. REQUEST IN RELATION TO TRANSPARENCY

The Secretariat explained that the Commission had received a request from a French Non-Governmental Organisation (NGO), CRIIRAD, to be provided with the names and professional credentials of the members of the Group. The Secretariat further explained that the Commission had so far refused to divulge this information, due to data protection concerns. When the Commission processes personal data, it must inform the data subjects of the purpose of that processing, and prior to any transfer to third parties, data subjects must be informed and given the opportunity to object to the transfer. Members were never told when their personal data was collected by the Commission, that it could be disclosed to third parties.

The Commission however supports the NGO in its request for more transparency. More openness would enhance public confidence in the workings of the Group. The Commission keeps an online Register of its own expert groups in which it published the names, gender and nationality of experts appointed to such groups in their personal capacity. Such

¹ The approved Summary Report of the June 2015 meeting can be found under <http://ec.europa.eu/energy/node/1183>

publication is possible because the individuals concerned explicitly consented to it. The Article 31 Group however is not a Commission expert group as it is not established by the Commission and is therefore not included in the Register.

In discussion, various members of the Article 31 Group of Experts backed the proposal for more openness, although a request was made for guidance to be issued by the Commission as to how members should react if contacted individually. The Commission committed to provide such guidance, modelled on the guidance, if any, given to its own expert groups.

A silence procedure was opened to enable members who were not present to express objections to the publication of their names.

The names of the members who consent to publication will be published on DG ENER's website.

4. INFORMATION BY THE COMMISSION

4.1 Euratom co-ordination, legal matters and international relations

A representative of Unit D1 reported on recent activities and initiatives in the area of Euratom co-ordination, legal matters and international relations. In term of recent initiatives, it was indicated to the Group that the report on the implementation of the 2009 Nuclear Safety Directive (Council Directive 2009/71/Euratom) was going to be adopted by the Commission on 18 November 2015, as an annex of the 2015 State of the Energy Union. This report is based on the Member States' national reports, which, according to Article 9 of the Directive, had to be communicated to the Commission by 22 July 2014. The report therefore covers the period prior to the adoption of the amended Nuclear Safety (Council Directive 2014/87/Euratom), which was adopted by the Council on 8 July 2014. In term of priorities for the coming months, the Group was informed that the focus of Unit D1 would be on the revision of the current legal framework for the notifications of nuclear investments projects under Article 41 of the Euratom Treaty (for which an on-line public consultation is on-going until 25 January 2016) and the preparation of a Recommendation on the application of Article 103 of the Euratom Treaty. In the international field, the main focus will be on the follow-up of the Diplomatic Conference of the IAEA Convention on Nuclear Safety, which took place on 9 February 2015, and in particular on the implementation of the Declaration adopted at this Conference and containing a set of principles and implementation mechanisms to improve and enhance the safety of nuclear power plants in Contracting Parties to the Convention.

4.2 Nuclear Energy, Nuclear Waste and Decommissioning

A representative of Unit D2 reported on recent activities and initiatives in the domain Nuclear Energy, Nuclear Waste and Decommissioning: The Nuclear Illustrative Programme for the Community, planned for 2016, shall provide an overview of investments envisaged at EU level in the nuclear sector until 2050. With regard to Directive 2011/70/Euratom, national programmes and reports received to date are currently under review. Opinions about the programmes as well as a report to Council and Parliament (including EU inventory) are expected for 2016. The second EC report to Council and Parliament on Directive 2006/117/EURATOM is also expected for 2016. Regarding cooperation with IAEA, work is planned towards a possible harmonization of radioactive waste/spent fuel inventory reporting and a peer-review assistance to MS (ARTEMIS tailored to needs of Directive 2011/70/EURATOM) is in preparation. The Decommissioning Funding Group focuses on

funding schemes and costs; the scope of the group shall be enlarged to cover Directive 2011/70/EURATOM. Finally, the Decommissioning Assistance Programme is currently focussing on the Implementation of Council Regulations for the financial assistance to three decommissioning programmes (Bohunice V1 – SK, Kozloduy 1-4 – BG, Ignalina – LT); a mid-term evaluation is due end of 2017.

4.3 Radiation Protection and Nuclear Safety

a. Maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other radiological emergency

The Commission informed the Group of Experts about the status of its proposal for a *Council Regulation establishing maximum permitted levels of radioactive contamination of food and feed following a nuclear accident or any other radiological emergency*. The Commission explained that the European Parliament (EP) adopted its Opinion on 9 July 2015 and that the Council will invite the Commission to comment on the EP Opinion during the next meeting of the Atomic Questions Group which will take place on 27 November 2015. The final version of the text will then be transmitted to the COREPER II for final adoption by the Council.

b. Ingestion dose coefficient for infants (0 – 1 year) of Pu-239 in publication RP 105

At the request of the Commission, the Group of Experts examined CRIIRAD's allegation on the occurrence of an error in publication RP 105² concerning the ingestion dose coefficient for Pu-239 used for baby food. The Group of Experts came to the conclusion that there is indeed a clerical error in the report and that the ingestion dose coefficient for Pu-239 used for baby food should be $4.2 \cdot 10^{-6} \text{ Sv}\cdot\text{Bq}^{-1}$ instead of $4.2 \cdot 10^{-7} \text{ Sv}\cdot\text{Bq}^{-1}$ for infants aged ≤ 1 year (RP 105 Table 2 page 9). The Experts noted that as a matter of consequence, the annual dose for a 1 year old infant based on dietary data (RP 105 Table 5 page 9) should be 0.39 mSv instead of 0.33 mSv, which represents an increase of less than 20% of the calculated annual dose but remains well below the reference level of 1 mSv/y. This allowed the Group of Experts to state that the conclusions in RP 105 concerning the maximum permitted levels of Pu-239 in baby food remain valid. As Publication RP 105 is likely to be reviewed when the new ICRP dose coefficients will be published, the Group of Experts decided that this opportunity could be taken to correct this clerical error and its consequences.

5. PRESENTATIONS FROM INTERNATIONAL ORGANISATIONS

5.1. International Commission on Radiological Protection (ICRP)

The representative of the ICRP presented a document summarising recent activities of ICRP. The document is attached to this summary report. More information on ICRP can be found on the ICRP homepage <http://www.icrp.org/>.

5.2 International Atomic Energy Agency (IAEA)

The representative of the IAEA reported on the current work programme of the agency, in particular on the programme on patient protection, on the programme on occupational radiation protection, on the programme to strengthen the capabilities for radiation protection of workers in emergency situation, on the development of a radon programme,

² RP 105 EU Food Restriction Criteria for Application after an Accident
<https://ec.europa.eu/energy/sites/ener/files/documents/105.pdf>

and on the harmonisation of reference levels for foodstuffs and drinking water contaminated following a nuclear accident. More information on IAEA can be found on the IAEA homepage <https://www.iaea.org/front>.

5.3 World Health Organisation (WHO)

No representative of the WHO could attend the meeting. More information on WHO can be found on the WHO homepage <http://www.who.int/en/>.

5.4 Nuclear Energy Agency (NEA)

The representative of the NEA briefly summarised the recent activities of the NEA and in particular of its Committee on Radiation Protection and Public Health (CRPPH). More information on NEA can be found on the NEA homepage <http://www.oecd-nea.org/>.

5.5. International Radiation Protection Association (IRPA)

The President of IRPA presented the status of IRPA, IRPA's vision, selected strategic priorities of IRPA, and IRPA activities in the areas *Radiation Protection in a Changing Society* and *Radiation Protection Culture*. The next IRPA International Conference IRPA14 will take place in Cape Town, South Africa, 9 – 13 May 2016. More information on IRPA can be found on the IRPA homepage <http://www.irpa.net/>.

5.6. Heads of European Radiation protection Competent Authorities (HERCA)

The representative of HERCA reported on the functioning, internal and external policies, external relations and communication of HERCA. HERCA current activities are in the areas medical applications, emergency preparedness and response, veterinary applications, non-medical sources and practices, European radiation passbook and outside workers, education and training, transposition of the Euratom BSS, and radon. More information on HERCA can be found on the HERCA homepage www.herca.org.

6. EUROPEAN JOINT PROGRAMME FOR THE INTEGRATION OF RADIATION PROTECTION RESEARCH - CONCERT

At the June 2015 meeting, the Article 31 Group of Experts proposed to intensify the relations with DG Research and with the research platforms in the area of radiation protection initiated and financed by DG Research. It was suggested to invite the leaders of the relevant research platforms to one of the next meetings for a discussion on research priorities in radiation protection and the potential input the Article 31 Group of Experts could give.

The coordinator of the *European Joint Programme for the integration of Radiation Protection Research – CONCERT* presented this most recent research platform which is meant to be an umbrella structure for radiation protection research in Europe providing co-funding action, joint programming, open research calls, and integrative activities. CONCERT will be organising two open research calls, the first in early 2016, the second in early 2017. The topics of the first call have already been agreed upon and will cover health risk research and radioecology. For the topics of the second call, CONCERT is still open for suggestions from stakeholders.

Article 31 Group of Experts discussed the potential role of the group to provide, as a stakeholder, input to discussions on research topics for the second call.

The Article 31 Group of Experts agreed to ask its Working Group on Research Implications on Health and Safety Standards (WP RIHSS) to prepare a list of potential research topics which

would support the implementation of the new BSS and present this list to the full group at its next meeting in June 2016.

7. TASK FORCE ON THE STRATEGY AND WORK PROGRAMME OF THE ARTICLE 31 GROUP OF EXPERTS

The Euratom Article 31 Group of Experts commenced a new mandate in June 2015 and agreed at its first meeting that it would be useful to have a strategic reflection on future planned activities, how it carries out its work as well as on its relationship with other European Union groups and with other international organisations.

A Task Force was established at the June meeting for the purposes of preparing an initial strategic reflection and proposals for the Expert meeting in November 2015. The Task Force met on 28 – 29 October 2015 in Luxembourg and based its work on a short paper that served as a thematic prompt for reflection. Members that were unable to attend the meeting provided written comments in advance which were taken into consideration in preparing proposals for the Article 31 Group of Experts.

The Chair of the Article 31 Group of Experts presented the outcome of the discussions in the task force which have been distributed to the Article 31 Group of Experts before the meeting.

The main proposals can be summarised as follows:

- Strategic positioning of the Article 31 Group of Experts is twofold:
 - Advising the European Commission on relevant issues raised by the Commission, especially on legal initiatives
 - Proactively scanning new or emerging issues, and ongoing developments in the area of radiation protection and inform the Commission on potential policy implications
- Anticipated work programme for the time 2015 – 2020
 - Activities supporting the transposition and effective implementation of the new Euratom Basic Safety Standards (Council Directive 2013/59/Euratom), including activities in specific topical areas (medical, natural radiation sources, research, ...)
 - Activities related to the publication of new ICRP dose coefficients
- Topical working parties of the Article 31 Group of Experts
 - Review of existing working parties (Medical Exposure; Research implications on Health and Safety Standards) – it is proposed to review (regularly) mandate, work programme and membership of these groups
 - Initiation of new working parties – it was proposed to prepare arguments for the creation of a working party on natural radiation sources
- Relation to international organisations
 - Continue to invite international organisations to both Article 31 Group of Experts meetings; include the United Nations Scientific Committee on the Effect of Atomic Radiation (UNSCEAR)
 - Streamline the presentation of issues of interest from international organisations (only once a year, very brief, focus on new issues of interest)
- Relationship with other European Commission services and other committees of European Institutions

- Ensure close and regular collaboration with other relevant Directorate-General (DG RTD, DG JRC, DG SANTE, ...)
- Establish closer cooperation and information exchange with the Scientific and Technical Committee (STC) (see also Agenda Item 12)
- Explore possibility for an information exchange with the Council Atomic Questions Group (AQG)
- Consider presentations on the activities under Articles 35, 36 and 37 Euratom to the Article 31 Group of Experts
- Rules of procedure of the Article 31 Group of Experts
 - Current Rules of Procedure of the Article 31 Group of Experts, (unmodified) in place since November 2007, in general still fit for purpose
 - All Members of the Group are invited to critically review the Rules of Procedure and inform the Secretariat by **30 April 2016** of their view on the need to revise the Rules with reference to specific articles which would merit revision.
 - Discussion in Plenary in June 2016 noting that any subsequent revision of the Rules of Procedure would be governed by Article 25 of the existing Rules
- Content and format of the Article 31 Group of Experts meetings
 - EU Scientific Seminars constitute a valuable and important part of the Article 31 Group of Experts meetings
 - Introduction of an annual topical discussion session on emerging issues (only Article 31 Group of Experts and observers; no additional external experts)
 - Encourage members of the group to present emerging issues in their country or work area which may have implications on a European level
 - Current frequency and length of Article 31 Group of Experts meetings fit for purpose and should be maintained

In discussion, the Group of Experts congratulated the task force for their excellent work and endorsed the proposals.

8. TRANSPOSITION AND IMPLEMENTATION OF RECENTLY ADOPTED DIRECTIVES

8.1 Activities related to the transposition and implementation of the new Basic Safety Standards Directive

In his intervention, the Deputy Head of Unit D3 emphasised the following:

The three Units of DG ENER Directorate D are currently facing the challenge of monitoring and checking the timely and correct transposition by Member States of the amended Nuclear Safety Directive, the BSS and the Drinking Water Directive. While the four Directives mentioned are now in different stages of the transposition procedure, a common strategy for the monitoring should be found allowing in particular to achieve consistency of the approaches and harmonization of procedures.

In accordance with the Energy Union Strategy paper (COM(2015) 80 final) "*Full implementation and strict enforcement of existing energy and related legislation is the first priority to establish the Energy Union.*" The paper stresses that "*The Commission will use all instruments to ensure that Member States fully implement energy legislation*". Timely transposition and implementation is ensured through constant collaboration between the

Commission and Member States and, when necessary, followed up in the framework of infringement proceedings.

To this purpose the Commission undertakes the work of enhancing cooperation between the Commission and the MS as a crucial element in the effective monitoring of the application of Community law in particular by improving prevention of infringements through increasing cooperation with MS before expiry of the transposition deadline.

One example is the organisation of a General Workshop on the EU Member States' strategies to implement Directive 2013/59/EURATOM and the topical the BSS Emergency Preparedness and Response Workshop "More Effective Emergency Preparedness & Response Arrangements at the EU level under the BSS Directive" in Brussels 1-3 December 2015 (supported by the RISKAUDIT IRSN/GRS International under an European Commission (ENER D) service contract.

Concerning the possible role of the Article 31 group of experts in this process he described the following possible contribution by the group:

While the above mentioned activities aim mainly at assisting the Member States in the transposition process of the BSS into national legislation in Member States, the development of topical guidance should assist the implementation of the requirements into practical arrangements.

Here the support from the Article 31 group of experts which is mainly concerned with the implementing the provisions of Chapter III, Health and Safety, of the Euratom Treaty: establishing basic standards on health protection of workers, members of the public and patients, could be very valuable.

It could contribute to develop guidance on selected topical issues, e.g. through the establishment of topical Article 31 Working Parties, or through topical discussions, e.g. to develop guidance on the use of dose constraints. From the discussions with the Member States issues deserving further attention and meriting assessment in topical evaluations will probably being identified, which then could be submitted to the Article 31 group for interpretation.

8.2 Activities related to the transposition and implementation of the amended Nuclear Safety Directive

See summary under Agenda item 8.1

8.3 Activities related to the transposition and implementation of the new Euratom Drinking Water Directive

Transposition deadline for the Directive 2013/51/Euratom (Euratom Drinking Water Directive) is 28 November 2015. An advisory letter concerning the transposition process was sent to all Member States in July 2015. The Commission has received 19 submissions from the Member States under Article 33 for transposing legislation. 17 of them have been processed and two are still under review. So far no major difficulties have been identified in the draft legal texts although in a few cases the Commission has made remarks on technical issues. Some States have chosen to transpose the Directive by amending existing drinking water regulations under Directive 98/83/EC to include radioactivity, whereas some States have drafted a completely new national regulation concerning radioactivity in drinking water.

As a next step, the Commission will start the formal review of the final transposing legislation in each Member State. In order to clarify the legal framework in this area, DG Environment has started a process of revising the annexes of Directive 98/83/EC to exclude radioactivity.

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

9.1. Medical Exposures (WP MED)

The first meeting of the Working Party on Medical Exposures (WP MED) in its new composition was held on 17 November 2015 in Luxembourg. The important work done by the previous WPMED was fully acknowledged and a tribute was paid to the former WP MED members, with special mention of the former chair.

The WP MED elected new chair and vice-chair and had a first exchange of views on the group's mandate. The mandate was judged generally appropriate but in need of update on some points. The proposal for revised mandate will be presented to the Article 31 GoE in their next meeting (June 2016). The main focus of the WP MED work in the next several years will be on the transposition of the new BSS Directive's provisions on medical exposure.

The WP MED will continue providing advice and expert support to the Commission on studies and projects supporting the practical implementation of the BSS in the healthcare sector. The PiDRL project on developing European guidelines on diagnostic reference levels (DRLs) for paediatric imaging has been closely followed by the WP MED, and it is expected to have the final guidelines submitted to the full Article 31 group in June 2016. The Commission requested the support of WP MED in formulating the requirements for a new project on European DRLs for x-ray imaging of adults, which will be launched in the second half of 2016.

The WP MED discussed also a number of organisational issues, such as duration and timing of the meetings and the role of observers. It was agreed that the observers will be asked to give shorter presentations focusing on the main progress made between the meetings and the forthcoming important events and publications. The next WP MED meeting will be held on 14-15 April 2016 in Luxembourg.

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

a. Proceedings of the EU Scientific Seminar 2014 on Fukushima – lessons learned and issues

The Secretariat presented the draft proceedings of the *EU Scientific Seminar 2014 on Fukushima – lessons learned and issues*- publication RP 183.

The Group of Experts approved the draft proceedings for publication in the Radiation Protection Series of the European Commission as RP 183.

b. EU Scientific Seminar 2015 on Risk Communication

The *EU Scientific Seminar 2015 on Risk Communication* took place in the afternoon of 18 November 2015. Internationally renowned scientists presented the following issues in risk communication:

- Differences in Expert and Lay Judgements of Radiological Risk
- Risk communication to radiation workers
- Risk communication in radiological terrorism

- Risk communication and the media
- Stakeholder involvement in risk communication

The presentations were followed by a round table discussion, in which the speakers, invited additional experts and the Group of Experts discussed potential policy implications and research needs.

All presentations given at the *EU Scientific Seminar 2015 on Risk Communication* together with a short introductory text and the programme are available on the Europa Website³. Summaries of the presentations and the round-table discussion will be published together with the conclusions the Group of Experts drew after the seminar as proceedings in the Radiation Protection Series of the European Commission later in 2016.

The Chair of WP RIHSS presented the main issues of and preliminary draft conclusions from the EU Scientific Seminar 2015.

The Group of Experts congratulated the WP RIHSS for the organisation of this interesting EU Scientific Seminar 2015.

c. Topics for the EU Scientific Seminar 2016

WP RIHSS proposes to hold the EU Scientific Seminar 2016 on *Emerging issues with regard to organ doses*.

The Group of Experts accepted the proposal from WP RIHSS

10. EUROPEAN PLATFORM FOR OCCUPATIONAL RADIATION EXPOSURE – ESOREX

The Secretariat briefly presented a document summarising the final report of the DG ENER financed project to establish a European Platform for Occupational Radiation Exposure (ESOREX).

The main objectives of the ESOREX platform are to:

- provide reliable information on how personal radiation monitoring, reporting and recording of dosimetric results is structured in European countries;
- collect reliable and directly comparable data on radiation exposures of workers in all occupational sectors where classified workers are employed (nuclear fuel cycle, medical sector, industry in general, research and education, and natural sources).

Further to this the platform allows representatives from national dose registers and from dosimetry services to discuss emerging issues, assess dose trends, and exchange experience.

The ESOREX platform is operational and is accessible under <https://esorex-platform.org/>.

With regard to the future, it is hoped to find a suitable solution to ensure a sustainable continuation of the platform. HERCA has been invited to consider managing the ESOREX platform in future.

The Group of Experts were invited to promote the use of the platform.

The Group of Experts thanked the Secretariat for this information on the ESOREX Platform.

³ The presentations can be found under <http://ec.europa.eu/energy/node/1216>

11. TECHNICAL RECOMMENDATIONS FOR MONITORING INDIVIDUALS FOR OCCUPATIONAL INTAKES OF RADIONUCLIDES

The Contractor of this DG ENER financed project was invited to present the project and in particular the status of the main deliverable – the draft *Technical Recommendations for Monitoring Individuals for Occupational Intakes of radionuclides*. The project has been launched in May 2014 with duration of 24 months. The current draft *Technical Recommendations for Monitoring Individuals for Occupational Intake of Radionuclides* which had also been sent to the Article 31 Group of Experts is at an already rather advanced stage. It is currently planned to send this draft for a second round of consultation to a broad range of stakeholders including the Article 31 Group of Experts. A final text will be presented to the Article 31 Group of Experts at the June 2016 meeting for approval to publish the technical recommendations in the Radiation Protection Series of the European Commission.

The Group of Experts thanked the Contractor for this comprehensive presentation, provided a few comments and agreed to send further comments on the text directly to the contractor.

12. OTHER BUSINESS

Under this agenda item, the Chair of the Article 31 Group of Experts informed the group that he has been invited to attend the next meeting of the Scientific and Technical Committee (set up according to Article 134 of the Euratom Treaty), which will be held in March 2016, to present mandate, strategy, work plan, and activities of the Article 31 Group of Experts. The Chair will report on the outcome at the next meeting of the Article 31 Group of Experts in June 2016.

13. DATES OF THE NEXT MEETINGS

The **June 2016** meeting of the Group of Experts will be held **31 May – 2 June 2016** in meeting room EUFO 0001 **European Commission – Euroforum Building, 10, rue Robert Stumper – L-2557 Luxembourg – Gasperich**.

The **November 2016** meeting of the Group of Experts is scheduled for **8 – 9 November 2016**, in Luxembourg (meeting location to be determined).