



Explanatory screening meeting
Chapter 15 energy
Brussels, 17 May 2006

Nuclear Safeguards

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Summary of presentation



- ✧ Euratom Chapter VII
- ✧ IAEA Safeguards in the EU
- ✧ Croatian Small Quantities Protocol
- ✧ Commission Regulation 302/2005
- ✧ The Additional Protocol
- ✧ The Supply Agreements
- ✧ Accession to INFCIRC/193 + its AP



Euratom Treaty – Chapter VII

❖ (Nuclear) Safeguards

❖ *Art. 77(a) The Commission shall satisfy itself that ores, source materials and special fissile materials are not diverted*

❖ Legal base for so-called EURATOM Safeguards

❖ Directly applicable Treaty provisions



Euratom Safeguards

- ❖ Art. 78 declaration to Commission of Basic Technical Characteristics of installations
- ❖ Art. 79 declaration to Commission of records of transactions involving nuclear materials (nuclear materials accountancy)



Euratom Safeguards

✧ Art. 81

- ✧ Inspection of installations by the Commission's Inspectors

✧ Art. 83

- ✧ Commission can apply *sanctions* to OPERATORS for infringements



IAEA Safeguards in the EU



✧ Art. 77 (b)

✧ The Commission shall satisfy itself that
.... safeguarding obligations assumed by
the Community ... with an international
organisation are complied with.

✧ Legal basis for trilateral safeguards
agreements with the IAEA



IAEA Safeguards in the EU



- ❖ 3 trilateral safeguards agreements with the IAEA
 - ❖ Non nuclear weapons states-IAEA-Euratom
 - ❖ France-IAEA-Euratom
 - ❖ UK-IAEA-Euratom
- ❖ UK/F – so called *Voluntary Offers*
- ❖ *NNWS* – so called *Comprehensive Safeguards Agreement (CSA)*



IAEA Safeguards in the EU

- ✧ *Agreement between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III (1) and (4) of the Treaty on the non-proliferation of nuclear weapons (78/164/Euratom) – Protocol (OJ L 51 , 22/02/1978, pp. 1-26)*
- ✧ Commonly referred to as INFCIRC/193
- ✧ New Member States must accede to this agreement



IAEA Safeguards in the EU



- ✧ Turkey bilateral CSA with IAEA in force since 1/9/81

- ✧ Croatia bilateral CSA with IAEA in force since 19/1/95
 - ✧ Croatian CSA limited by the *Small Quantities Protocol*



Croatian SQP

- ✧ IAEA Board of Governors authorised a new model Small Quantities Protocol in September 2005.
 - ✧ EU policy is to call upon all SQP states to adopt the new model SQP
 - ✧ (Croatia has “old“ model SQP)
 - ✧ Therefore, between now and accession Croatia should work with IAEA to
 - ✧ introduce the “new” SQP
 - ✧ or suspend the existing SQP



Regulation 302/2005



- ✧ INFCIRC/153 bilateral safeguards
 - ✧ IAEA deals with state via SSAC

- ✧ INFCIRC/193 trilateral safeguards
 - ✧ Commission serves as SSAC for the Community



Regulation 302/2005



- ❖ Nuclear operators (*and not the state !*) report directly to the Commission (TREN-H in Luxembourg)
- ❖ the Commission (*and not the state !*) processes and checks reports and forwards them to the IAEA



Regulation 302/2005

- ❖ Main provisions of Regulation
 - ❖ designation of site by state and Commission
 - ❖ designation of site representative by state
 - ❖ declaration of technical characteristics
 - ❖ Particular safeguard provisions
 - ❖ accounting system
 - ❖ operating and accounting records
 - ❖ accounting reports
 - ❖ reporting of nuclear waste



Regulation 302/2005



- ✧ Upon accession to Community- Initial reports and declarations required.
- ✧ respecting the deadlines set in the Regulation



Regulation 302/2005

- ❖ Detailed guidance on reporting requirements has been published.
- ❖ COMMISSION RECOMMENDATION of 15 December 2005 on guidelines for the application of Regulation (Euratom) No 302/2005 on the application of Euratom safeguards, OJ L28 of 1 February 2006.

The *Trilateral* Additional Protocol



- ✧ The Protocol Additional to the trilateral CSA (INFCIRC/193)
 - ✧ Croatian & Turkish bilateral APs in force since 6/7/2000 & 17/7/2001 respectively
- ✧ these also must be replaced by the trilateral AP
 - ✧ AP suspended simultaneously with CSA



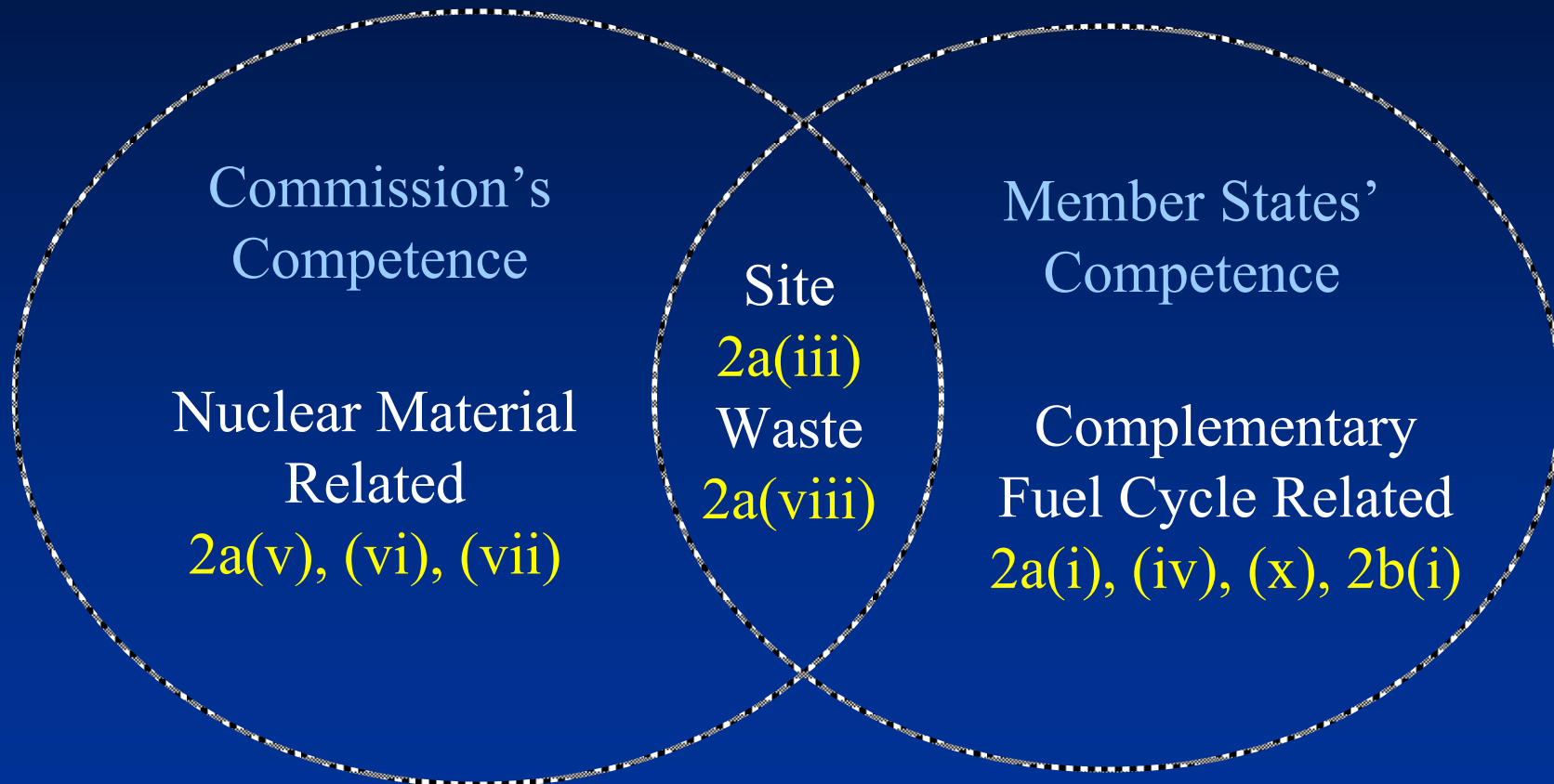
Reporting Requirements Trilateral AP



- ❖ ‘Site’ description – Article 2a(iii)
- ❖ U mines, U and Th concentration plants – Article 2a(v)
- ❖ Source material – Article 2a(vi)
- ❖ Exempted material – Article 2a(vii)
- ❖ Intermediate and high-level waste with HEU, U-233 or Pu – Article 2a(viii)
- ❖ Fuel cycle related research not involving nuclear material – Article 2a(i), 2b(i)
- ❖ Sensitive nuclear fuel cycle related material and equipment – Articles 2a(iv), 2a(ix)
- ❖ 10-year plan – Article 2a(x)



Overlapping Competences





Side Letter - ANNEX III



- ❖ The Side-Letter Arrangement
 - ❖ Enables full or partial delegation of reporting responsibility to the Commission
 - ❖ Responsibility for the correctness and completeness of the information provided remains with the Member State



AP Implementation Arrangements



- ❖ Arrangements between the Commission and the MS concern the practicalities of implementation:
 - ❖ Made individually for each Member State
 - ❖ Define the roles of national authorities, operators and the Commission
 - ❖ List contact points
 - ❖ Summary of reporting deadlines to the Commission and the IAEA
 - ❖ Reference legal instruments transposing the AP into national legislation



Initial Reports under the Trilateral AP

- ❖ 2 (a)ix. Export declarations due from first reporting quarter.
- ❖ New full declaration required by IAEA within 180 days of accession to trilateral AP



The Supply Agreements



Euratom Article 77 b)

...the Commission shall satisfy itself that
....the provisions relating to supply and any
particular safeguarding obligations assumed
by the Community ... with a third state ...
are complied with.

Legal basis for Commission's rôle in the
implementation of the supply agreements



The Supply Agreements



- ❖ In practical terms, the supply agreements with US, Canada and Australia are concerned.
 - ❖ US, Canada reciprocal tracking obligations
 - ❖ Australia: one way tracking obligation



The Supply Agreements

- ✧ TR/HR bilateral supply agreements with US/CA/AU (*if there are any !*)
 - ✧ material tracking obligations will be taken over by Commission after accession to Community

- ✧ Any other TR/HR bilateral supply agreements
 - ✧ material tracking will remain bilateral matter



The Supply Agreements



❖ Other practical points:

- ❖ initial inventory of US/CA/AU obligated materials after accession
- ❖ these agreements contain some specific provisions going beyond Regulation 302/05
 - ❖ e.g. extended advance notifications for imports and exports



Accession to 193 + its AP

- ✧ *After* accession to EU suspension of existing CSA+AP and accession to trilateral CSA+AP
 - ✧ simultaneous suspension/accession to trilateral agreement
 - ✧ as soon as possible after accession to EU
- ✧ state informs Commission of readiness to apply trilateral agreement
- ✧ Commission then informs IAEA



Accession to 193 + its AP



- ✧ during transition period there will be double obligations :
 - ✧ Euratom-state and IAEA-state

- ✧ hence prompt accession is beneficial



Nuclear Safeguards

✧ Thank you