

21.10.2014. Parallel Session on Radiation Protection

Discussion Report by *Alexandra Van Kalleveen*, European Commission

First speaker: Abel Gonzales, “Towards a Convention on Radiation Safety and Security”.

The IAEA Action Plan of September 2011 on Nuclear Safety did not include radiation safety and security and the IAEA Safety Standards in this field are not binding on the Member States. A. Gonzales suggested that INLA set up an ad hoc committee to work on the first draft Convention on Radiation Safety and Security based on the IAEA Code of Conduct on the Safety and Security of radioactive Sources. Having legal experts working on a draft convention could avoid political pressure.

The observation made by U. Feldmann that States usually are very reluctant to give up sovereign power concerning security reasons was agreed by A. Gonzales. Therefore U. Feldmann saw a need for getting national bodies involved in drafting such a convention.

As far as the role of INLA is concerned P. Reyners suggested that the association could look for ways to play a role. The topic of a Convention is of great value. If supported by INLA members, the association could study this subject in depth. It would be difficult to propose concrete actions however INLA could investigate the subject (lack of international binding regime) without prejudice on the type of outcome (Convention) and could issue recommendations.

Second speaker: Gustavo Massera, “On the use of international standards guidelines values for radionuclide concentrations in food and drinking water contaminated as a result of a nuclear or radiological accident”.

The RASSC Working Group on the Revision of standards after Fukushima concluded that there were no major gaps in the international standards and that Member States should ensure appropriate coordination across all relevant governmental bodies.

U. Feldmann underlined the need for a joint dose criterion for food and drinking water and recalled that following the Fukushima accident different dose criteria had existed e.g. in Japan and in the EU. In the aftermath of Fukushima Japan had set a dose level for food which was lower than the dose level in the European Union. Therefore food from Japan exceeding the dose level set in Japan could enter the European market provided the (higher) dose level set in the EU was not exceeded¹.

¹ This situation changed with the enforcement of Commission Implementing Regulation (EU) No 495/2013 of 29 May 2013 amending Implementing Regulation (EU) No 996/2012 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station.

Third speaker: Mark Sanders, “The US Environmental Protection Agency (EPA) Modernization of Nixon Era Radiation Standards – An exercise of Legal Responsibility to Protect the Public with sound Theoretical and Technical Foundation or Politics at Play?”

The audience showed interest in understanding the division of powers between the states and the Federal State and how the EPA manages this situation (state vs federal government). W. Horton specified that the principle of pre-emption applies in the US if the federal law or standard pre-empts in this area. However in some cases the state can go further (in this case, the state goes further than what EPA does).

The Session's Secretary briefly introduced the two other (written) reports, one from:

Ricardo Osores on the New law on radiation protection and radiation safety of people, properties and environment approved by the Government of Republica Oriental del Uruguay and the other from

Anne-Lise Teani on The revision of the Euratom basic safety standards directives.

R. Osores specified that the law he describes in his report is the first law ever on radiation protection in Uruguay. He added that a decree was passed since he wrote the paper and that he would provide additional information on the decree and the implementation of the law for the online section of the Congress proceedings.

One question was raised about the Euratom basic safety standards (BSS). A. Gonzales wanted clarification on how the EU can implement two levels of differing legislations, the IAEA Basic Safety Standards (as revised) and the EU BSSs which slightly differ in one or more points.

As the author could not be present it was suggested that perhaps A.-L. Teani could answer the question a posteriori. **A.-L. Teani** commented a posteriori that “Apart from very specific cases where the EU operates nuclear facilities (ex: JRC), it is the responsibility of Member States to ensure radiation protection in their territories, in line with the subsidiarity principle. The BSS directive is addressed to Member States which have to transpose its provisions by 2018. There is therefore no contradiction as the IAEA BSS have an incentive nature compared to the BSS directive which is legally binding for EU Member States”.

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