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NOAH - FoE Denmark's and the Danish Ecological Council's position paper of May 11th 2004 on a (1) Proposal for a Council (Euratom) Directive setting out the basic obligations and general principles on the safety of nuclear installations and a (2) Proposal for a Council Directive (Euratom) on the management of spent nuclear fuel and radioactive waste

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It is our firm opinion that these directive proposals in their current form are unacceptable and should be dropped or sent back to the Atomic Questions Working Group. The Danish government should vote against both proposals.

On March 23rd 2004, the European Council Presidency issued revised versions of the compromise proposals for the “nuclear package” – the European Commission’s proposed EU-wide directives for safety, decommissioning funds and radioactive waste management, which aim at covering the future use of nuclear energy in the enlarged EU.

NOAH - FoE Denmarkⁱ and the Danish Ecological Council hereby issue position statements on the two directives. The position paper can be found at www.noah/energi.dk and www.ecocouncil.dk

General considerations:

I. Considering that the attempts to separate the Euratom Treaty from the future EU Constitution have failed so far, the two directive proposals constitute the Danish government’s first real test with respect to nuclear-related topics in the EU.

Because Danish industry is a world leader in the field of renewable energy, the Danish government has a clear interest in limiting the preferential treatment of the nuclear industry in the EU, because it distorts an otherwise free and liberalized energy market and leaves Danish producers of renewables in an inferior position compared to their European nuclear competitors.

Changing Danish governments have been very reluctant to take a stand on the special position of nuclear power in the EU – probably because the problems related to nuclear power are considered “an internal problem” of the nuclear power producing countries. **NOAH FoE-Denmark and the Danish Ecological Council do not share this opinion.** *In our opinion the Danish government is in a perfect position to play a leading role in a concertation, coordination or coalition of non-nuclear countries in the EU.* We find it of crucial importance to emphasize the inherent necessity of a

consistent, comprehensive and long-term orientated government policy reflecting these facts. Such a co-operation could have a real impact on EU energy policies considering the number of potential participants. Furthermore, this number could be expected to increase over time.

As of now 12 EU countries do not have any nuclear power plants. These countries are: Austria, Cyprus, Denmark, Estonia, Ireland, Italy, Greece, Latvia, Luxembourg, Malta, Poland and Portugal. Of the 13 nuclear power nations Belgium, Germany, Netherlands and Sweden are phasing out their nuclear reactors. In Spain and the UK moratoriums exist against new constructions. Even in France, often held up as the bastion of pro-nuclear government, the last reactor has been completed and the Government recently announced the postponement of construction of the new generation of reactor, the European Pressurised Water Reactor (EPR). Only the Czech Republic and Finland have plans to build new reactors.

(1) NOAH - FoE Denmark's and the Danish Ecological Council's position statement on the Proposal for a Council (Euratom) Directive setting out the basic obligations and general principles on the safety of nuclear installations

II. In NOAH FoE-Denmark's and the Danish Ecological Council's opinion any EU Directive setting out the basic obligations and general principles on the safety of European nuclear installations is vital to Danish interests, because it reflects a problem complex that could potentially lay Denmark waste. At least one lesson learned from the twenty years plus campaign to shut down the Swedish Barsebaeck nuclear power plant is that all nuclear installations, particularly power stations and reprocessing plants, sited near the frontiers of a country or along international water bodies, might affect the safety of the populations of other countries, i.e. they comprise *a potential transboundary nuclear problem*.

With or without Barsebaeck it is also evident that differences between bordering countries in regulatory criteria for site acceptance, for radioactive discharges and for emergency reference levels, as well as differences in technical methods and criteria for the safety assessment and the analysis of risks, might put groups of population, living at opposite sides of an international border, at a different degree of radiological risk as far as both the probability and the extent of the potential effects are concerned.

In this context it should be noted that all nuclear installations – even though they are not situated in border regions – are a potential threat to neighbouring countries. The most striking proof of this assertion is the Chernobyl disaster where radioactive substances were carried away by the wind, mainly to Ukraine, Belarus and Russia, where extensive territories were contaminated, but also to a certain degree to Scandinavia and the rest of Europe.

The core of the problem is that if a serious nuclear accident were to take place, the damage in the neighbouring country or countries would not be fully compensated and in some cases not compensated at all.

But most importantly, *the potential threat in itself* - however predictable - constitutes an unsolvable problem to the neighbouring country because its origin is located outside its jurisdiction. As regards the implementation of preventive measures the neighbouring country has very few formal rights. These options imply either litigation under international law or the application of EU legislation, which currently is very weak in this respect.

The above-mentioned scenario is highlighted by the fact that EU has the highest number and the highest concentration of nuclear power reactors, as well as the highest production of nuclear power in the world.

Bearing this in mind, NOAH - FoE Denmark and the Danish Ecological Council commend the Commission and the European Council for its attempt to involve the EU institutions in the

nuclear safety regulation process, thus giving the non-nuclear countries an opportunity to influence a process of vital importance to all EU Member States.

III. In NOAH FoE-Denmark's and the Danish Ecological Council's opinion a **proper nuclear safety regulation process in the EU** would imply as a minimum not only the implementation of common safety principles, but also common safety standards and monitoring mechanisms for all nuclear facilities, guaranteeing that common legally, enforceable methods and criteria would be applied, i.e. State-of-the-Art criteria relevant in EU Member States. It would also imply the possibility of cross-border "peer review" of nuclear facilities, allowing experts from one member state to carry out inspections in another EU country, if not by a corps of EU inspectors.

Some of these goals were included in the original November 6th 2002 Commission "nuclear package" which encompassed legislation on safety standards, uranium imports and radioactive waste management strategiesⁱⁱ. The text of the November 2002 draft Directive stated that this was to be a **framework directive** and that the introduction of common safety standards would occur at a later date

These goals, however, have not been achieved in the European Council's safety directive proposal, which is not a framework directive and has no ambition of introducing common safety standards in the EU. The proposal only require member states to (a) ensure it has a safety authority, which is independent from bodies that promote or utilise nuclear energy, that (b) the member state's safety authority shall regulate and supervise safety of nuclear installations and grant the necessary licences, (c) that each member state shall require the operator to run the facility in accordance with "common safety standards" (but not defined as above)ⁱⁱⁱ and give priority to nuclear safety, (d) ensure that the regulator carries out nuclear safety inspections, (e) ensure that each member state shall take the appropriate steps to ensure adequate financial resources are available to support the safety of facilities and (f) establish procedures for reducing accidents and incidents and that adequate notification is occurring.

Consequently, NOAH-FoE Denmark and the Danish Ecological Council share the criticisms of the European Parliament and the European nuclear industry, that (a) international regimes, such as the IAEA's Nuclear Safety Convention, already cover large parts of the requirements of the proposal^{iv}, because all EU member states and accession countries with nuclear power plants are party to this convention, the main difference being that the Safety Convention applies only to nuclear power plants, while the draft directive applies to all civilian nuclear facilities. Consequently, (b) the proposal will only require additional reporting and bureaucracy. (c) That the verification missions will require national inspectors to undertake additional work, thus adding to their workload, (d) that there will be no inspections at the facilities themselves but rather at the safety authorities and these will all be pre-planned, therefore no surprise visits^v, and (e) that there are no compliance mechanisms or sanctions in the case of non-compliance. The biggest danger of the draft proposal, however, is (f) that it will be interpreted as the introduction of EU nuclear safety standards. This is not true and should not be used to claim that the issue of nuclear safety has now been addressed^{vi}.

Realizing that the European Council has reached a deadlock between the pro- and anti-directive countries, that four member states for differing reasons support a non-legally binding alternative to the nuclear safety directive and that there consequently is no prospect of implementing common safety standards and monitoring mechanisms for all nuclear facilities in the EU in the short or mid-term future (and that even this directive proposal is a watered-down version of earlier safety directive proposals), **NOAH FoE-Denmark and the Danish Ecological Council recommend that the Danish government focuses on finding non-nuclear cooperation partners among EU member states and simultaneously establishes a basis of general political relevance criteria for in particular safety regulation of border region nuclear facilities.**

Considering that EU has the highest concentration of nuclear power stations in the world – including the concentration of NPPs in border regions – and that the European Union has so far

done very little or nothing to put the neighbouring countries into a position where they can channel their concerns into the EU system, **these actions are interdependent.**

As a consequence, the Danish politicians and the Danish government should support a political solution, as a minimum seeking to promote the legislation that was first introduced by the Commission in November 2002 but later given up. **This would imply the adoption of a framework directive and the introduction of common safety standards at a later date.**

IV. Stating the political case with reference to the above-mentioned considerations, the main arguments for increased EU control with nuclear installations in border regions could be summarized in the following 10 arguments^{vii}:

(1) A worst-case consequence scenario for a serious accident at a nuclear power plant could – especially if the plant is situated in a border region – have a destabilizing effect on the equilibrium of the EU only comparable to the consequences of a war and perhaps even a nuclear war. (2) The risk that the above-mentioned scenario could emerge has to be taken seriously. EU has the highest number and the highest concentration of nuclear reactors, as well as the highest production of nuclear power in the world. Almost one third of the nuclear reactors are situated in border regions. **Currently, 46 nuclear power reactors - 29,5 % of all the nuclear power reactors in the enlarged EU with a total installed net capacity of 37 903 MWe - are located less than 50 kilometres from a national border. 9 nuclear power reactors are located less than 5 kilometres, 6 5-10 kilometres, 8 10-20 kilometres, 9 20-30 kilometres, 11 30-40 kilometres and 8 40-50 kilometres from a national border in the EU^{viii}.** The countries that have the highest number of nuclear power reactors near their borders are Germany with 10 reactors located less than 50 kilometres from its national borders (6 in France and 4 in Switzerland), Belgium with 9 (8 in France and 1 in the Netherlands), Netherlands with 8 (7 in Belgium and 1 in Germany) and Austria with 6 (6 in the Czech Republic). As regards Luxembourg, the Czech Republic, Latvia, Hungary and Denmark, see *Table 1*.

This concentration of nuclear power reactors in EU border regions is by far the highest in the world. The figures also indicate that a significant fraction of all the nuclear power reactors in the EU tends to be concentrated at very small distances from the national borders. This is especially emphasized by the obvious peak in the distribution in the distance range 0-10 kilometres from a national border. It is also evident that the power installed and the number of sites near international borders is not trivial and in some countries they involve a significant fraction of the total nuclear program if not the whole program.

Table 1: EU countries with nuclear power reactors in neighbouring countries located less than 50 kilometres from their national borders^{ix}.

Country	Total no. of nuclear power reactors in neighbouring countries located less than 50 kilometres from a national border	Neighbouring countries	Total installed net capacity (MWe) of nuclear power reactors in neighbouring countries located less than 50 kilometres from a national border
<i>Germany</i>	10	France (6) Switzerland (4)	9805
<i>Belgium</i>	9	France (8) Netherlands (1)	8850
<i>Netherlands</i>	8	Belgium (7) Germany (1)	7089
<i>Austria</i>	6	Czech Rep. (6)	3468
<i>Luxembourg</i>	4	France (4)	5200
<i>Czech Republic</i>	4	Slovakia (4)	1632
<i>Latvia</i>	2	Lithuania (2)	2370
<i>Hungary</i>	2	Slovakia (2)	776
<i>Denmark</i>	1	Sweden (1)	600

(3) Almost half the member states in the enlarged EU have chosen not to develop nuclear power. There is an assumption that the main reason for this decision is the dangers that nuclear power represents. Because of the nuclear power plants located in border regions many of these countries have to face these dangers anyway. (4) As more EU countries phase out nuclear power, the tolerance of nuclear facilities in border regions will decrease. (5) Because even the countries that have nuclear reactors share the concerns of the countries that do not, a lot of reactors are located in

places that are considered “remote”. In the seventies and eighties, when most of the reactors were built, border regions were generally perceived as “remote places” because people in neighbouring countries were not respected as political subjects by the national decision-makers and obviously they were not legal subjects either. Not granting them co-decision power in matters that decisively could have an impact on their lives and wellbeing contravenes the spirit and foundation of EU trans-national cooperation. (6) By not regulating border region nuclear installations, the EU forces the Member States that feel threatened and want to act in accordance with their concerns to apply international law in their litigation (e.g. like Ireland in the Sellafield case), thus undermining the legal integration process and cooperation in the EU. (7) The existing nuclear reactors in the EU are old and getting older. Old reactors are more dangerous than new reactors. At the same time their power is being upgraded. (8) After 9/11 2001 terrorist attacks against nuclear facilities can no longer be considered a rest risk. No nuclear reactor in the world can withstand a terrorist attack in the form of an airplane crash. Especially, terrorist attacks against border region nuclear power plants could cause serious international complications. (9) While the nuclear reactors are getting more dangerous, the importance of nuclear power in the EU is decreasing. (10) Due to significant overcapacity, even if increased control with nuclear power plants in EU border regions leads to temporary or permanent shutdowns of the plants, the electricity supply will not be threatened.

V. It is in the interest of not only any non-nuclear country, but of any country in the EU that the European nuclear industry is prevented from distorting the free and liberalized European energy market by **misusing its decommissioning and radioactive waste management funds for other purposes**. This objective can only be reached if the decommissioning funds set up by operators are managed separately from their other financial resources.

Some even consider the nuclear decommissioning funds the single biggest market distortion in the liberalized electricity market^x. In the present situation, in member states such as France and Germany, the nuclear operators retain control of the funds they must set aside for decommissioning and waste management. While in others, such as Spain, Finland and Sweden, the funds are managed by a separate legal entity. Therefore in some countries decommissioning funds may be used by the utility for investments, either in their existing facilities or for market acquisitions^{xi}. It is undisputed that the same companies, which could have access to their decommissioning funds, are also those that are most active in purchasing other electricity or energy companies.

Originally, it was the intention of the Commission to separate the decommissioning and radioactive waste management funds from the utilities^{xii}. Likewise, the **European Parliament** has sought to address the subject of market distortion^{xiii}.

In European Council’s draft directive, however, proposals for mandatory requirements for separated management of decommissioning and waste management funds have been removed. Pursuant to article 9, section 2, member states are only required to “ensure that financial resources for decommissioning are built up during the period of operation of the nuclear installations in order to reach a sufficient level of resources and are actually available for the purpose for which they have been established so as to cover, when needed, decommissioning costs, taking into account the strategy for decommissioning”.

Considering the above-mentioned NOAH - FoE Denmark and the Danish Ecological Council recommend that the Danish government should

(A) reject the directive proposal, because it is unacceptable in its current version. As mentioned above, it is so much watered down that it no longer contains any requirement for neither specific nuclear safety standards, nor enforceable measures to improve safety or separation of the decommissioning and radioactive waste management funds from the utilities. In NOAH FoE-Denmark’s and the Danish Ecological Council’s opinion it should be dropped or sent back to the Atomic Questions Working Group.

(B) actively support the coalition building process among the non-nuclear countries in the EU and help set up a series of tasks and a hierarchy of goals. Examples of such goals could be: (1) Minimum safety standards on the highest level practised in any country in the EU or outside, for all nuclear installations. (2) Minimum radiation protection standards on the highest possible level (“As Low As Possible” (ALAP) instead of the “As Low As Reasonably Achievable”(ALARA) principle^{xiv}) during normal operations and in the wake of accidents. (3) Full compensation for any

damage in neighbouring countries originating from nuclear installations and (4) intensified exchange of measures and experiences in the field of energy conservation measures, renewable energies and energy efficiency.

(C) If these goals cannot be achieved in the short or mid-term future for all nuclear installations in the EU, it should be considered whether the political climate would allow for the introduction of such measures for at least nuclear installations situated within 50 kilometres of an EU national border.

(2) NOAH - FoE Denmark's and the Danish Ecological Council's position statement on the Proposal for a Council (Euratom) Directive on the management of spent nuclear fuel and radioactive waste

VI. As any other EU member state, Denmark has a vital interest that a **high safety level** is maintained with respect to the decommissioning of nuclear facilities and the management of spent nuclear fuel and radioactive waste.

This objective can only be achieved with a ban on export of nuclear waste to other member states and third countries and a realistic timetable for the disposal of high-level radioactive waste, which allows the opportunity for detailed public consultation and careful scientific analysis^{xv}. Although there is no general consensus on the time frame for the implementation of these measures, everybody agree that this is a highly complex issue^{xvi}. It is important that no irreversible depositing of high-level radioactive waste is made as long as safety can be doubted. The implementation of a **principle of caution** is crucial in this context.

In NOAH FoE-Denmark's and the Danish Ecological Council's opinion a definite timetable should not be set for the final depositing (as it is not the case in the directive proposal). Instead a strictly controlled reversible storage of the nuclear waste should be made. It should be possible to remove the waste from the depository, to move it to another site and encapsulate it again in case of radioactive releases.

NOAH - FoE Denmark and the Danish Ecological Council commend the Commission and the European Council for its attempt to increase safety and transparency on issues related to management of spent nuclear fuel and nuclear waste^{xvii}.

However, this goal is not reached in full in the European Council's draft proposal.

Pursuant to article 4, section 4 in the draft directive, the waste management programme may include the exports of radioactive waste to another member state or third country, if such exports are fully in compliance with existing EU legislation. **It is feared that this will result in the construction of regional radioactive waste dumps in the EU^{xviii} or export of waste to e.g. Russia or Kazakhstan^{xix}.**

Considering the above-mentioned NOAH - FoE Denmark and the Danish Ecological Council recommend that the Danish government should

take the position that the draft proposal in its current version is unacceptable, because it has retained the opportunity for waste to be exported to other member states or third countries and has kept wording which favours the dumping of nuclear waste, rather than long term storage with

reversibility. Therefore, the directive proposal should be dropped or sent back to the Atomic Questions Working Group.

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Notes

ⁱ **Friends of the Earth (FoE)** is the world's largest association of environmental NGOs, represented in 69 member countries. Only one organization from each country can be a member. In Denmark it is NOAH.

ⁱⁱ E.g. see Antony Froggatt, "*Nuclear Energy in the European Union – Before and After Enlargement*", Prepared for Eurosaf 2003, October 2003, p. 22-29, http://www.eurosaf-forum.org/forum2003/froggatt_2003.pdf

ⁱⁱⁱ Cf. article 4, section 2 in the draft proposal: "The safety measures and controls to be implemented in a nuclear installation shall be decided solely by the regulatory body and the licence holder". This provision in itself is a safeguard against uniform standards.

^{iv} According to a press release January 13th 2004 from the Greens/EFA Group in the European Parliament, "*Greens/EFA condemn draft nuclear rules, Proposed nuclear package is unnecessary and dangerous*", the Western Nuclear Regulators Association (WENRA) estimates that a similar regime already exists through the Nuclear Safety Convention's "International Regulatory Review Teams" and that these are more comprehensive, by a factor of 20-30 than that proposed by the draft Directive, <http://www.greens-efa.org/en/>

^v Cf. Articles 12 and 13.

^{vi} Cf. item. IV in the Recommendations for action in EU Enlargement Watch, "*Comments on Proposal for a Council (Euratom) Directive: Setting out basic obligations and general principles on the safety of nuclear installations and Proposal for a Council (Euratom) Directive: On the management of spent nuclear fuel and radioactive waste*", London 2003, p. 12, <http://www.eu-energy.com/nuclear-package-apr2003-comments.pdf>

^{vii} It has to be added that the importance of these arguments would inevitably depend on the volume and relative importance of nuclear power in the EU, not only at the present point in time but also in the mid-term and long-term future, as well as the geographical distribution of the nuclear installations especially as regards population density and distribution, demographic trends and geophysical factors which could influence the behaviour and dispersion of radioactive effluents and accidental releases, such as the meteorological and hydrological features of the territories concerned. Taken into account should also be the possible sources of natural and man-made external impacts on the safety of nuclear facilities: Earthquakes, flood, the different industrial and land use situations in the various countries, accidental aircraft crashes, ship traffic and especially after 9/11 2001 – the risk of terrorist attacks. Obviously, the safety of the nuclear facilities themselves should also be taken into consideration.

However, to paint a precise picture of this problem complex in its totality would lie beyond the scope of this hearing response's highly fragmentary and incomplete introduction to the subject matters in question. Also, it would be immaterial compared to the all-pervading consequence scenario of an INES 7 Chernobyl-like type accident in a nuclear power station with the emergence of a permanent exclusion zone, multinational contamination territories in the order of hundreds of thousands square kilometres, resettling of hundreds of thousands of people, short-, mid- and long-term cancer epidemics and financial losses in the order of hundreds of billions Euros.

^{viii} E.g. see OECD/NEA CSNI Report No 35, 1979 "*Safety and siting of nuclear installations near international borders in NEA member countries*", CSNI Report No 35, OECD/NEA Sub-committee in Licensing, January 1979 (<http://www.nea.fr/html/nsd/docs/1979/csni79-35.pdf>). The OECD/NEA CSNI report estimates the dimension of the problem the following way: "With this increasing number of nuclear power plants (...) and taking into account that

several of these countries are affected by severe constraints in the choice of available sites because of high population densities or shortage of cooling water resources, it is not surprising that in some countries a significant and perhaps increasing number of the power producing plants are or will be located near to international borders. This consequently gives rise to increasing problems of co-ordination and co-operation with other countries (...) **The relatively small surface of most European countries – with the consequent sharing of their frontiers with several other countries – their generally high, and sometimes very high population density, and their relative scarcity of amount of water adequate for cooling purposes, make this problem significant for some of those countries** (NOAH's and the Danish Ecological Council's accentuation)", cf. p. 6.

^{ix} See "Safety and siting of nuclear installations near international borders in NEA member countries" p. 25-32 and <http://www.iaea.org/programmes/a2/index.html>, http://www.avn.be/fr/4_nucleaire/6_2_nucleaire_belgique.asp, http://www.insc.anl.gov/pwrmaps/map/czech_republic.php, http://www.insc.anl.gov/tempdb/d_sql_interface_view=country_status_qvar=name_qval=12.php, <http://www.insc.anl.gov/pwrmaps/map/france.php>, <http://www.spiegel.de/spiegel/0,1518,grossbild-320509-281351,00.html>, <http://www.insc.anl.gov/pwrmaps/map/lithuania.php>, <http://www.insc.anl.gov/pwrmaps/map/slovakia.php>, http://www.insc.anl.gov/tempdb/d_sql_interface_view=country_status_qvar=name_qval=9.php, http://www.insc.anl.gov/tempdb/d_sql_interface_view=country_status_qvar=name_qval=17.php and <http://www.insc.anl.gov/pwrmaps/map/switzerland.php>

^x See "Greens/EFA condemn draft nuclear rules, Proposed nuclear package is unnecessary and dangerous".

^{xi} The European Commission has been well aware of this problem for some time. In a 1998 Commission publication (COM (2000) 769 final) the following was stated: "Different situations exist among the Member States for the financing of decommissioning, e.g. simple provision in the accounts allowing reinvestment of the collected funds for other than decommissioning purposes, segregation of collected funds outside the sphere of the company, or a complete State organisation and management of decommissioning by separate specialised, mostly publicly owned companies. Moreover, the amount of yearly funding required, the requirements as to when and how decommissioning has to be accomplished, and the applied calculation methods and discount rates differ substantially between Member States. **This situation could lead to distortion and discrimination between now competing nuclear electricity producers from different Member States. Decommissioning costs are clearly seen as part of the electricity production costs** (NOAH's and the Danish Ecological Council's accentuation)."

^{xii} In a Commission memo from November 6th 2002 launching the nuclear package - "Towards A Community Approach to Nuclear Safety" - which sought to explain to the public the necessity and requirements of the directives, it was stated (p. 3) that decommissioning funds set up by operators must be managed separately from their other financial resources, <http://www.euronuclear.org/pdf/Memo.pdf>

^{xiii} In its first reading of the Electricity Market Directive in March 2002, the European Parliament proposed an amendment, which was passed in the Plenary by 442 to 81. The amendment stated the following: "In order to ensure the availability of funds for future decommissioning and to avoid obstacles to fair competition in the energy market, Member States must adopt separate accounting for the financing of future decommissioning or waste management activities. These funds must be reviewed and audited annually by an independent body, such as the regulator or regulatory bodies, to verify that the revenues and the associated interest raised for these future activities shall only be used for these purposes, that is for decommissioning or waste management activities and not used directly or indirectly to fund activities in the market".

^{xiv} Cf. Article 5 in the Draft Proposal.

^{xv} E.g. see the "Position paper from Finish, Swedish and UK delegations to the Atomic Questions Working Group", 19 December 2003: "While the need for national programmes for the management of radioactive waste cannot be disputed, any instrument that contains mandatory time-limits or advocates one single disposal method can have severely detrimental consequences to attempts to build and maintain a wide national and local consensus around any disposal site. By insisting on one particular option, the binding approach could ultimately led to a lower level of safety than would have resulted from other options that could be developed in the future e.g. through research. The wide variations in the radioactive waste inventories and in their geologies mean that each Member State should be free to develop solutions which meet their own particular circumstances".

^{xvi} On the European nuclear industry's position on this subject, see "FORATOM position paper on the management of spent nuclear fuel and nuclear waste", http://www.euronuclear.org/pdf/FORATOM_Waste.pdf

^{xvii} Cf. Article 3, Section 5.

^{xviii} E.g. cf. the wording of Item (23) in the preamble: "While nothing in this Directive should imply that Member States have to accept shipments of radioactive waste it may be advantageous for Member States to cooperate with a view to establishing multinational waste management programmes. It is acknowledged in particular that there are Member States which have only small quantities of radioactive waste, or a territory or geological characteristics not suitable for a deep repository and that these Member States may wish to establish agreements with other States for finding common disposal solutions".

^{xix} EU Enlargement Watch, p. 10.