



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR ENERGY

Directorate D - Nuclear energy, safety and ITER  
**The Director**

Luxembourg,  
ENER.D.3 JJ/mp (2017)6962629

Mrs. Marina Albiol Guzmán

**Sent only by e-mail**

**Subject: Your letter sent to Ms O'Leary on 14.11.2017**

Dear Mrs Albiol Guzmán,

Thank you for your letter addressed to Ms Marian O'Leary, Director General of the Euratom Supply Agency registered by the Commission services on 15 November 2017, in which you express concerns about the safety of the Cofrentes nuclear power plant in Spain and its possible long-term operation. You also suggest closing the plant and replacing it by other energy sources, such as renewables.

Although you addressed your letter to Ms O'Leary, who is the Director-General of the Euratom Supply Agency, the matter raised in your letter falls within the competence of the Directorate for Nuclear Energy, Safety and ITER of DG Energy. As its Director, I reply to your letter in agreement with Ms O'Leary.

As stated in the reply of Commissioner Arias Cañete (our ref. Ares(2017)4351120) to your letter of 13 July 2017 on the Cofrentes nuclear power plant (NPP), decisions on licensing, including license renewals and/or long-term operation, remain the responsibility of national competent authorities and have to comply with the national framework and the applicable Euratom legislation, in particular the provisions of the Nuclear Safety Directive<sup>1</sup>. Under the amended Nuclear Safety Directive, the prime responsibility for nuclear safety rests with the license holder of the nuclear installation, under the supervision of its national competent regulatory authority.

The Cofrentes NPP consists of a single BWR-6-type power reactor, which was first coupled to the grid in October 1984 and began commercial operation in 1985<sup>2</sup>. It reaches its 40-year design lifetime in 2024 and therefore cannot yet be considered to be in long-term operation. In Spain, any renewal of an operating license is subject to a periodic safety review, conducted every ten years. The current license of the Cofrentes plant was issued by the Ministry of Industry, Tourism and Trade in 2011 and is valid until 2021. The

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<sup>1</sup> Council Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations, as amended by Council Directive 2014/87/Euratom of 8 July 2014

<sup>2</sup> [http://www.ensreg.eu/sites/default/files/Spain\\_Stress-Tests.pdf](http://www.ensreg.eu/sites/default/files/Spain_Stress-Tests.pdf)

operating license included the requirement that a series of safety improvements be implemented<sup>3</sup>.

To date, the Commission has not received any communication pursuant to Article 41 of the Euratom Treaty regarding the intention to operate the plant beyond its original design life. If investments related to the long-term operation of the plant were to fulfil the criteria in terms of the type and size set out by Council Regulation (Euratom) No 2587/1999, the communication to the Commission pursuant to Article 41 of the Euratom Treaty would be compulsory. The Commission would then fulfill its responsibilities and communicate its views on the project to Spain in accordance with Article 43 of the Euratom Treaty.

I would like to assure you that the Commission is carefully monitoring the timely, correct and effective transposition and implementation of the revised Nuclear Safety Directive<sup>4</sup> and will take the necessary legal action against Member States failing to comply with the new requirements. Special focus will be on the enhanced requirement of the independence of the national regulator which is responsible to ensure the full compliance of the operator of a nuclear power plant with all the applicable safety requirements, including the newly introduced "safety objective" in the revised Nuclear Safety Directive.

With regard to the recent incidents at the Cofrentes NPP you are referring to in your letter, the Commission notes that according to information published by the Spanish competent regulatory authority – the Nuclear Safety Council (CNS), the operator had notified to CNS these events. The CNS has classified all the events as having no impact on workers, the public or the environment (level 0 on the INES Scale<sup>5</sup>). The descriptions of these events are published on the CNS's website<sup>6</sup>. The events were followed by effective analysis and proposed corrective actions by the licensee.

As you are aware, the amended Nuclear Safety Directive requires that a full safety assessment of nuclear installations is carried out, at least every 10 years, taking notably into account ageing issues. In addition, the Commission (DG ENER with the support of the Joint Research Centre (JRC)) has been dedicating substantial efforts and resources to support the organisation of the first topical peer review under the revised Nuclear Safety Directive to be carried out by national regulators in the ENREG context. Spain is taking part in this exercise. The topic chosen is the "Ageing Management of Nuclear Reactors". This topical peer review will cover the ageing management of the main components important to the safety of nuclear power plants. This will in particular include reactor pressure vessels, electrical cables, concealed pipework and concrete containment structures.

I would like to add that the robustness of the EU NPPs to external events, including the Cofrentes plant, has been enhanced as a result of the EU 'stress tests' carried out in response to the Fukushima accident. An updated status report from each participating country including Spain on the implementation of the stress tests recommendations is expected by the end of 2017.

Finally, with regard to your suggestion that the NPP should be closed and replaced by other energy sources, such as renewables, I would like to draw attention to the fact that in accordance with Article 194 of the Treaty on the Functioning of the European Union, it is

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<sup>3</sup> [https://www-ns.iaea.org/downloads/ni/safety\\_convention/7th-review-meeting/spain\\_nr-7th-rm\\_english.pdf](https://www-ns.iaea.org/downloads/ni/safety_convention/7th-review-meeting/spain_nr-7th-rm_english.pdf)

<sup>4</sup> Directive 2009/71/Euratom as amended by Directive 2014/87/Euratom.

<sup>5</sup> <http://www-ns.iaea.org/tech-areas/emergency/ines.asp>

<sup>6</sup> <https://www.csn.es/en/central-nuclear/cofrentes/sucesos-notificados>

up to the Member States to determine the choice between different energy sources, including nuclear and renewable sources, and the general structure of their energy supply. Hence, the decisions related to the energy mix rest with the Members States. The Commission's priority is to ensure that Member States choosing to pursue nuclear energy do so within the applicable European legal framework, ensuring they meet the highest standards on safety, on safe and responsible radioactive waste management and on radiation protection.

I hope this information is useful.

Yours sincerely,

Massimo Garribba  
[e-signed]

Copy: Marian O'Leary, Director-General of the Euratom Supply Agency