



2018/0245(NLE)

22.11.2018

OPINION

of the Committee on Foreign Affairs

for the Committee on Industry, Research and Energy

on the proposal for a Council regulation establishing a European Instrument for Nuclear Safety complementing the Neighbourhood, Development and International Cooperation Instrument on the basis of the Euratom Treaty (COM(2018)0462 – C8-0315/2018 – 2018/0245(NLE))

Rapporteur for opinion: Petras Auštrevičius

PA_Legam

SHORT JUSTIFICATION

The rapporteur generally supports the objectives of the proposal for a Council Regulation establishing a European Instrument for Nuclear Safety complementing the Neighbourhood, Development and International Cooperation Instrument on the basis of the Euratom Treaty for the Regulation. Such Regulation will provide for new actions and continuity of EU measures financed under the Instrument for Nuclear Safety Cooperation (2014-2020).

The EU must ensure continuity in the high level of nuclear safety in its neighbourhood and around the world, as it does in all 28 EU member states. The accidents in Chernobyl (1986) and Fukushima (2011) have had global public health and policy consequences, therefore the EU should continue striving to use its long experience with civilian use of nuclear energy in this field and support international efforts toward respect for nuclear safety standards and related activities.

The Commission proposal focusses on financial assistance and related measures aimed at the promotion of an effective nuclear safety and nuclear security globally, in particular the promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety; responsible and safe management of spent fuel and radioactive waste, and the decommissioning and remediation of former nuclear sites and installations; establishing efficient and effective safeguard systems.

With regard to the context of EU's external action, commitments to nuclear security, non-proliferation and nuclear safety, as well as sustainable development goals, and overall EU's interest should play vital roles in guidance of the programming of actions under this Regulation, as upheld by the principles of the Union's external actions, as laid down in Articles 3(5), 8 and 21 of the Treaty on European Union.

The Instrument should continue to address EU's foreign policy interests, needs, and priorities based on its partnership agreements or international commitments, as supported by the International Atomic Energy Agency (IAEA) and the G7 Nuclear Safety and Security Group (NSSG).

The rapporteur highlights the continued strategic role of the EEAS in programming and the management cycle in terms of coordination, coherence and consistency of measures with other EU actions (e.g. under the current Instrument contributing to Stability and Peace, or the future NDICI Regulation) in the spirit and letter of international Conventions and Treaties, and flexible reaction to international developments (e.g. Iran JCPOA) and supporting EU political dialogue and leverage with partners, and in particular countries in EU's immediate vicinity.

The rapporteur emphasises the EU's added value in comparison with possible individual EU Member States' actions, and the political leverage it can gain.

Crucially, the draft opinion additionally proposes to add provisions that would develop EU's capabilities in promoting of an effective nuclear safety culture and implement the highest nuclear safety and radiation protection standards, in particular in the immediate EU neighbourhood. Monitoring and supervision of nuclear sites since their very inception must be

ensured by mechanisms of the EU or other international bodies relevant in this field such as the IAEA. The amendments seek to establish and finance measures for implementation of the recommendations of nuclear power plants (NPPs) stress tests and provide for the relevant monitoring mechanisms with regard to the NPPs under construction in the immediate EU neighbourhood. In addition, conditionality should be introduced, i.e. the overall EU support for the country in question must be conditional upon the level of the latter's cooperation and openness in the nuclear safety field. The concrete example of the Ostrovets NPP in Belarus should fall within such mechanism¹.

With regard to the above-mentioned newly proposed areas of support, the rapporteur suggest to raise the amount of foreseen budget from 300 million EUR to 350 million EUR.

The rapporteur reminds that the provisioning of the External Action Guarantee for loans to third countries referred to in Article 10 (2) of this Regulation (EINS) shall be financed from Regulation (EINS) but subject to rules set by the NDICI regulation, art. 26 (2).

Under the Euratom Treaty, Article 203, the EP is consulted only, and therefore is not involved an ordinary legislative procedure.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Consequently, commitments to nuclear security, non-proliferation and nuclear safety, as well as sustainable development goals, and overall Union's interest should play a vital role in guidance of the programming of actions under this Regulation.

Amendment 2

Proposal for a regulation

¹ European Parliament resolution of 24 November 2016 on the situation in Belarus (2016/2934(RSP)), paragraph 15; OJ C 224, 27.6.2018, p. 135–139 ; <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1536682023489&uri=CELEX:52016IP0456>

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Secondary objectives of the Programme should include financing a just transition for the former employees and local communities facing unemployment as a result of the decommissioning of unsafe nuclear sites.

Amendment 3

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) The Community should continue its close cooperation, in accordance with Chapter 10 of the Euratom Treaty with the International Atomic Energy Agency (IAEA), in relation to nuclear safety and nuclear safeguards, in furtherance of the objectives of Chapters 3 and 7 of Title II.

(6) The Community should continue its close cooperation, in accordance with Chapter 10 of the Euratom Treaty with the International Atomic Energy Agency (IAEA), ***NATO and the national authorities of the Member States***, in relation to nuclear safety and nuclear safeguards, in furtherance of the objectives of Chapters 3 and 7 of Title II. ***The Instrument should also promote international cooperation based on conventions on nuclear safety and radioactive waste management.***

Amendment 4

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) This Instrument should provide for actions in support of those objectives and build on the actions previously supported under Regulation (Euratom) No 237/2014²⁴ concerning nuclear safety and nuclear safeguards in third countries, in particular

(7) This Instrument should provide for actions in support of those objectives and build on the actions previously supported under Regulation (Euratom) No 237/2014²⁴ concerning nuclear safety, ***safe management of radioactive waste, safe***

in acceding countries, candidate countries and potential candidates.

decommissioning and remediation of former nuclear-related sites and nuclear safeguards in third countries, in particular in acceding countries, candidate countries and potential candidates, in the Neighbourhood area within the meaning of [Regulation NDICI] ('the Neighbourhood area'), as well as in partner countries having association, partnership and cooperation agreements with the Union.

²⁴ Council Regulation (Euratom) No 237/2014 of 13 December 2013 establishing an Instrument for Nuclear Safety Cooperation (OJ L 77 15.3.2014 p 109.)

²⁴ Council Regulation (Euratom) No 237/2014 of 13 December 2013 establishing an Instrument for Nuclear Safety Cooperation (OJ L 77 15.3.2014 p 109.)

Amendment 5

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The implementation of this Regulation should be based on consultation, ***where relevant***, with the relevant authorities of the Member States, and on a dialogue with the partner countries.

Amendment

(8) The implementation of this Regulation should be based on consultation with the relevant authorities of the ***Union and the*** Member States, and on ***an effective and result-oriented*** dialogue with the partner countries. ***Where such dialogue fails to resolve Union's concerns over nuclear safety, the external funding under this Regulation, [Regulation NDICI] and [Regulation IPA III] should be temporarily suspended or should not be granted. The Union should be additionally prepared to address legitimate concerns of the Member States as regards nuclear safety of new nuclear power plants, in particular those being built in acceding countries, candidate countries and potential candidates, as well as in the Neighbourhood area.***

Amendment 6

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) As part of this Instrument, the Union might support nuclear regulatory bodies in performing stress tests, based on the Union acquis within the field of the nuclear safety, as well as subsequent implementation measures, in particular those related to the nuclear power plants being built in acceding countries, candidate countries and potential candidates, as well as in the Neighbourhood area.

Amendment 7

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(9) Whenever possible and appropriate, the results of the Community's external action should be monitored and assessed on the basis of pre-defined, transparent, country-specific and measurable indicators, adapted to the specificities and objectives of the Instrument and preferably based on the results framework of the partner country.

(9) Whenever possible and appropriate, the results of the Community's external action should be monitored and assessed on the basis of pre-defined, transparent, country-specific and measurable indicators, adapted to the specificities and objectives of the Instrument and preferably based on the results framework of the partner country. ***The Union should establish and finance necessary regular monitoring mechanisms (e. g. Union's experts teams or missions) to supervise implementation of stress tests recommendations for new nuclear power plants, in particular those being built in the immediate Neighbourhood area.***

Amendment 8

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) The *references to Union instruments in Article 9 of Council Decision 2010/427/EU³²*, should be read as references to this Regulation and to those Regulations referred to herein. The Commission should ensure that this Regulation is implemented in accordance with the role of the EEAS as provided in that Decision.

³² Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

Amendment 9

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

1. The objective of this Regulation is to complement those nuclear cooperation activities that are financed under [the Regulation NDICI], in particular in order to support the promotion of a high level of nuclear safety, radiation protection, *and* the application of effective and efficient safeguards of nuclear materials in third countries, building on the activities within the Community and in line with the provisions of this Regulation.

Amendment

(18) The *High Representative of the Union for Foreign Affairs and Security Policy* should guarantee overall political coordination of the Union's external action, ensuring its unity, consistency and effectiveness of, in particular through this Regulation. The EEAS should contribute to the programming and management cycle for this Regulation, on the basis of the policy objectives set out in Article 2.

Amendment

1. The objective of this Regulation is to complement those nuclear cooperation activities that are financed under [the Regulation NDICI], in particular in order to support the promotion of a high level of nuclear safety, radiation protection, *transparency standards as well as* the application of effective and efficient safeguards of nuclear materials in third countries, building on the activities within the Community and in line with the provisions of this Regulation. *The cooperation provided by the Union in the field of nuclear safety and safeguards under this Regulation shall not aim to promote nuclear energy and shall therefore not be interpreted as a measure to promote that energy source in third countries.*

Amendment 10

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) the promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety;

Amendment

(a) the promotion of an effective nuclear safety **and radiation protection** culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety; **the early closure when the nuclear facility or installation cannot be upgraded to fully meet internationally accepted nuclear safety standards;**

Amendment 11

Proposal for a regulation

Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) responsible and safe management of **spent fuel and** radioactive waste and the decommissioning and remediation of former nuclear sites and installations;

Amendment

(b) responsible and safe management of radioactive waste, **including spent fuel, (i.e. pre-treatment, treatment, processing, storage and disposal),** and the **safe** decommissioning and remediation of former nuclear sites and installations **as well as legacy sites related to uranium mining or sunken radioactive objects and materials;**

Justification

Losing the Annex of the existing INSC Council Regulation 237/2014 where the criteria and priorities were detailed, it is now of importance to elaborate the objectives set by Article 2 of this new Regulation. This amendment seeks to simply reinsert some provisions which were part of the existing INSC Council Regulation 237/2014.

Amendment 12

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) establishing efficient *and* effective safeguard systems.

Amendment

(c) establishing efficient, effective *and transparent* safeguard systems, *in which the national authorities in charge of counterproliferation are also involved, including the financing of comprehensive risk and safety assessments ("stress tests") of nuclear power plants, implementation of recommendations originating from such stress tests, based on the Union acquis, and related monitoring measures, in particular those in acceding countries, candidate countries and potential candidates, as well as in the Neighbourhood area.*

Amendment 13

Proposal for a regulation

Article 2 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) communicating to the public how the Programme has improved nuclear safety and successfully decommissioned former nuclear sites.

Amendment 14

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

The financial envelope for the implementation of this Regulation for the period 2021 – 2027 shall be EUR **300** million in current prices.

The financial envelope for the implementation of this Regulation for the period 2021 – 2027 shall be EUR **350** million in current prices.

Amendment 15

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

The association agreements, partnership and cooperation agreements, multilateral agreements, and other agreements that establish a legally binding relationship with partner countries, as well as, European Council conclusions and Council conclusions, summit declarations or conclusions of high-level meetings with partner countries, communications of the Commission or Joint communications of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy, shall constitute the overall policy framework for the implementation of this Regulation.

Amendment

The association agreements, partnership and cooperation agreements, multilateral agreements, and other agreements that establish a legally binding relationship with partner countries, as well as, European Council conclusions and Council conclusions, summit declarations or conclusions of high-level meetings with partner countries, communications of the Commission or Joint communications of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy, **and the Union *acquis related to nuclear safety*** shall constitute the overall policy framework for the implementation of this Regulation.

Amendment 16

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. The multiannual indicative programmes shall aim at providing a coherent framework for cooperation between the Community and the third countries **or** regions concerned, consistent with the overall purpose and scope, objectives, principles and policy of the Community and based on the policy framework referred to in article 5.

Amendment

2. The multiannual indicative programmes shall aim at providing a coherent framework for cooperation between the Community and the third countries, regions **or international organisations** concerned, consistent with the overall purpose and scope, objectives, principles and policy of the Community and based on the policy framework referred to in article 5.

Amendment 17

Proposal for a regulation

Article 6 – paragraph 2 a (new)

2a. The multiannual indicative programmes shall reflect the Community's goals and objectives in international organisations, as referred to in Article 5, leveraging the Programme's knowledge and experience in nuclear safety in relevant international organisations.

Amendment 18

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) **action plans**, individual measures and support measures, for which the Union's funding does not exceed EUR 10 million;

(a) individual measures and support measures, for which the Union's funding does not exceed EUR 10 million;

Amendment 19

Proposal for a regulation

Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) expenditures related to ensuring a just transition for former employees and communities in the decommissioning of a nuclear site.

Amendment 20

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. All supplies and materials financed under this Regulation may originate from the countries and under the respective conditions specified in paragraph 1.

2. All supplies and materials financed under this Regulation may originate from the countries and under the respective conditions specified in paragraph 1 **and**

Article 11a.

Amendment 21

**Proposal for a regulation
Article 11 a (new)**

Text proposed by the Commission

Amendment

Article 11a

***Conditionality and suspension of
assistance***

1. Union's assistance under this Regulation shall be conditional on the respect by the partner country concerned of the following:

(a) the relevant international conventions within the framework of the IAEA;

(b) the Convention on Environmental Impact Assessment in a Transboundary Context, adopted in Espoo, Finland on 25 January 1991, and the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998, and their subsequent amendments;

(c) the Treaty on the Non-Proliferation of Nuclear Weapons and the Additional Protocols thereto;

(d) the commitments under the partnership and association agreements with the Union;

(e) the commitments to implementation of stress tests and related measures.

2. In the event of the failure to respect the conditions listed in paragraph 1, Union's financial assistance under this Regulation, and [Regulation NDICI] or [Regulation IPA III], where relevant, shall be reconsidered and may be

restricted or temporarily suspended.

Amendment 22

Proposal for a regulation

Article 12 – paragraph 2 – point a

Text proposed by the Commission

(a) **number of** legal and regulatory acts prepared, introduced and or revised; and

Amendment

(a) legal and regulatory acts prepared, introduced and or revised; and

Amendment 23

Proposal for a regulation

Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) **number of** design, concept or feasibility studies for the establishment of facilities in line with the highest standards of nuclear safety.

Amendment

(b) design, concept or feasibility studies for the establishment of facilities in line with the highest standards of nuclear safety.

Amendment 24

Proposal for a regulation

Article 12 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) implementation of measures for the improvement of nuclear safety and radioactive waste management, based on the highest safety standards, including recommendations of international peer review.

Amendment 25

Proposal for a regulation

Article 12 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the degree to which the public, in the partner countries, have been informed of the Programme.

Amendment 26

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

This Regulation shall *apply in accordance with Decision 2010/427/EU*.

Amendment

The High Representative of the Union for Foreign Affairs and Security Policy shall guarantee overall political coordination of the Union's external action, ensuring its unity, consistency and effectiveness, in particular through this Regulation. The EEAS shall contribute to the programming and management cycle for this Regulation, on the basis of the policy objectives set out in Article 2.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a European Instrument for Nuclear Safety complementing the Neighbourhood, Development and International Cooperation Instrument on the basis of the Euratom Treaty
References	COM(2018)0462 – C8-0315/2018 – 2018/0245(NLE)
Committee responsible	ITRE
Opinion by Date announced in plenary	AFET 5.7.2018
Rapporteur Date appointed	Petras Auštrevičius 10.7.2018
Date adopted	21.11.2018
Result of final vote	+: 51 –: 4 0: 1
Members present for the final vote	Michèle Alliot-Marie, Nikos Androulakis, Petras Auštrevičius, Bas Belder, Victor Boștinăru, Elmar Brok, Klaus Buchner, James Carver, Lorenzo Cesa, Georgios Epitideios, Eugen Freund, Michael Gahler, Iveta Grigule-Pēterse, Sandra Kalniete, Tunne Kelam, Wajid Khan, Andrey Kovatchev, Eduard Kukan, Arne Lietz, Sabine Lösing, Andrejs Mamikins, David McAllister, Francisco José Millán Mon, Javier Nart, Pier Antonio Panzeri, Demetris Papadakis, Ioan Mîrcea Pașcu, Alojz Peterle, Tonino Picula, Julia Pitera, Cristian Dan Preda, Jozo Radoš, Michel Reimon, Sofia Sakorafa, Jean-Luc Schaffhauser, Anders Sellström, Alyn Smith, Jordi Solé, Dobromir Sośnierz, Jaromír Štětina, Dubravka Šuica, Charles Tannock, László Tóké, Miguel Urbán Crespo, Ivo Vajgl
Substitutes present for the final vote	Doru-Claudian Frunzuliță, Takis Hadjigeorgiou, Marek Jurek, Antonio López-Istúriz White, David Martin, Gilles Pargneaux, José Ignacio Salafranca Sánchez-Neyra, Marietje Schaake, Eleni Theoharous, Mirja Vehkaperä, Željana Zovko

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

51	+
ALDE	Petras Auštrevičius, Iveta Grigule-Pēterse, Javier Nart, Jozo Radoš, Marietje Schaake, Ivo Vajgl, Mirja Vehkaperä
ECR	Bas Belder, Charles Tannock, Eleni Theocharous
GUE/NGL	Takis Hadjigeorgiou, Sabine Lösing, Sofia Sakorafa, Miguel Urbán Crespo
PPE	Michèle Alliot-Marie, Elmar Brok, Lorenzo Cesa, Michael Gahler, Sandra Kalniete, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, Antonio López-Istúriz White, David McAllister, Francisco José Millán Mon, Alojz Peterle, Julia Pitera, Cristian Dan Preda, José Ignacio Salafranca Sánchez-Neyra, Anders Sellström, Jaromír Štětina, Dubravka Šuica, László Tőkés, Željana Zovko
S&D	Nikos Androulakis, Victor Boştinaru, Eugen Freund, Doru-Claudian Frunzuliță, Wajid Khan, Arne Lietz, Andrejs Mamikins, David Martín, Pier Antonio Panzeri, Demetris Papadakis, Gilles Pargneaux, Ioan Mircea Pașcu, Tonino Picula
VERTS/ALE	Klaus Buchner, Michel Reimon, Alyn Smith, Jordi Solé

4	-
ENF	Jean-Luc Schaffhauser
NI	James Carver, Georgios Epitideios, Dobromir Sośnierz

1	0
ECR	Marek Jurek

Key to symbols:

+ : in favour

- : against

0 : abstention