



Plenary sitting

A8-0441/2018

7.12.2018

REPORT

on the proposal for a Council regulation establishing a dedicated financial programme for decommissioning of nuclear facilities and management of radioactive waste, and repealing Council Regulation (Euratom) No 1368/2013 (COM(2018)0467 – C8-0314/2018 – 2018/0252(NLE))

Committee on Industry, Research and Energy

Rapporteur: Peter Kouroumbashev

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation establishing a dedicated financial programme for decommissioning of nuclear facilities and management of radioactive waste, and repealing Council Regulation (Euratom) No 1368/2013 (COM(2018)0467 – C8-0314/2018 – 2018/0252(NLE))

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2018)0467),
 - having regard to Article 203 of the Treaty establishing the European Atomic Energy Community, pursuant to which the Council consulted Parliament (C8-0314/2018),
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy (A8-0441/2018),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union and Article 106a of the Treaty establishing the European Atomic Energy Community;
 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
 5. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) A dedicated spending financial programme can bring additional Union added value through becoming a benchmark within the Union for safely managing technological issues in nuclear decommissioning and disseminating

Amendment

(2) A dedicated spending financial programme can bring additional Union added value through becoming a benchmark within the Union for safely managing technological issues in nuclear decommissioning and disseminating

knowledge. Such financial assistance should be provided on the basis of an ex ante evaluation identifying the specific needs and demonstrating the Union added value with the aim to support decommissioning of nuclear facilities and management of radioactive waste.

knowledge. Such financial assistance should be provided on the basis of an ex ante evaluation identifying the specific needs and demonstrating the Union added value with the aim to support decommissioning of nuclear facilities and management of radioactive waste. ***Such financial assistance should not, however, set a defining precedent for the funding of future nuclear decommissioning at Union level. The initiative to undertake and finance the decommissioning of nuclear facilities should primarily remain the responsibility of the Member States.***

Amendment 2
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The Programme should also ensure dissemination of knowledge ***on*** the decommissioning process in the Union, as such measures bring the greatest Union added value and contribute to the safety of the workers and the general public.

Amendment

(15) The Programme should also ensure dissemination of knowledge ***and the sharing of best practices and experiences gained between Member States with regard to*** the decommissioning process in the Union, as such measures bring the greatest Union added value and contribute to the safety of the workers and the general public, ***as well as to the protection of the environment.***

Amendment 3
Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) The JRC should lead a dedicated initiative to structure the gathering, development and sharing of knowledge in the field of decommissioning at Union level, without excluding international cooperation. The initiative should take into account multi-dimensional challenges, including research and

Amendment 4

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The decommissioning of the nuclear facilities covered by this Regulation should be carried out with recourse to the best available technical expertise, and with due regard to the nature and technological specifications of the installations to be decommissioned, in order to ensure safety and the highest possible efficiency, thus taking into account international best practices.

Amendment

(16) The decommissioning of the nuclear facilities covered by this Regulation should be carried out with recourse to the best available technical expertise, ***including expertise from third countries***, and with due regard to the nature and technological specifications of the installations to be decommissioned, in order to ensure safety and the highest possible efficiency, thus taking into account international best practices.

Amendment 5

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Actions under the Kozloduy and Bohunice programmes should be conducted with a joint financial effort of the Union and Bulgaria and Slovakia respectively. A ***maximum*** Union co-financing threshold should be established in line with the co-financing practice established under the predecessor programmes.

Amendment

(20) Actions under the Kozloduy and Bohunice programmes should be conducted with a joint financial effort of the Union and Bulgaria and Slovakia. A ***minimum*** Union co-financing threshold should be established in line with the co-financing practice established under the predecessor programmes.

Amendment 6

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation establishes the Dedicated Financial Programme for the 'Decommissioning of Nuclear Facilities and Management of Radioactive Waste' (the 'Programme'), with the focus on needs identified on a current basis. For the period of the Multiannual Financial Framework 2021-2027, it will support Bulgaria and Slovakia to safely decommission their **first generation** nuclear reactors, and the implementation of the decommissioning process and management of radioactive waste of the Commission's own nuclear installations at the Joint Research Centre (JRC) sites.

Amendment

This Regulation establishes the Dedicated Financial Programme for the 'Decommissioning of Nuclear Facilities and Management of Radioactive Waste' (the 'Programme'), with the focus on needs identified on a current basis. For the period of the Multiannual Financial Framework 2021-2027, it will support Bulgaria and Slovakia to safely decommission their nuclear reactors **that have been prematurely shut down**, and the implementation of the decommissioning process and management of radioactive waste of the Commission's own nuclear installations at the Joint Research Centre (JRC) sites, **while ensuring the protection of workers, in particular as regards health impacts, the general public and the environment.**

Justification

The early shut down and subsequent decommissioning of the reactors was a political commitment undertaken by Bulgaria as a condition for its accession to the EU, while, already between 1991 and 2002 modernization programmes of wide range and high budget were performed, in particular on Units 3-4, in order to improve the reactors' design in compliance with increasing safety levels and technological developments.

Amendment 7

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

It lays down the objectives of the Programme, the budget for the period 2021 – 2027, the forms of the European Atomic Energy Community (the 'Community') funding and the rules for providing such funding.

Amendment

It lays down the objectives of the Programme, the **overall** budget for the period 2021 – 2027, **including the exact distribution of the amount among the three programmes**, the forms of the European Atomic Energy Community (the 'Community') funding and the rules for providing such funding.

Amendment 8

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) 'decommissioning plan' means the document containing detailed information on the proposed decommissioning and covering the following: the selected decommissioning strategy; the schedule, type and sequence of decommissioning activities; the waste management strategy applied, including clearance; the proposed end state; the storage and disposal of the waste from decommissioning; the timeframe for decommissioning; the cost estimates for the completion of decommissioning; and the objectives, expected results, milestones, target dates, as well as the corresponding key performance indicators, including earned value based indicators. The plan is prepared by the nuclear facility license holder and is reflected in the multiannual work programmes of the Programme;

Amendment

(2) 'decommissioning plan' means the document containing detailed information on the proposed decommissioning and covering the following: the selected decommissioning strategy; the schedule, type and sequence of decommissioning activities; the waste management strategy applied, including clearance, **and the workers' protection programme**; the proposed end state; the storage and disposal of the waste from decommissioning; the timeframe for decommissioning; the cost estimates for the completion of decommissioning; and the objectives, expected results, milestones, target dates, as well as the corresponding key performance indicators, including earned value based indicators. The plan is prepared by the nuclear facility license holder and is reflected in the multiannual work programmes of the Programme;

Amendment 9

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5 a) 'third country' means a country that is not a Member State of the Union.

Amendment 10

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

On the basis of the current needs for the

On the basis of the current needs for the

period of 2021-2027 the Programme aims in particular to assist Bulgaria and Slovakia in implementing the Kozloduy decommissioning programme and the Bohunice decommissioning programme respectively, with specific emphasis on managing the radiological safety challenges thereof and to support the JRC decommissioning and waste management programme, whilst ensuring broad dissemination to all *EU* Member States of knowledge thereby generated on nuclear decommissioning.

period of 2021-2027 the Programme aims in particular to assist Bulgaria and Slovakia in implementing the Kozloduy decommissioning programme and the Bohunice decommissioning programme respectively, with specific emphasis on managing the radiological safety challenges thereof and to support the JRC decommissioning and waste management programme, whilst ensuring broad dissemination to, ***and the sharing among,*** all Member States of knowledge ***and of best practices*** thereby generated on nuclear decommissioning ***and radioactive waste management.***

Amendment 11

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2 – point c

Text proposed by the Commission

(c) to develop ties and exchanges among Union stakeholders on nuclear decommissioning, with a view to develop potential Union synergies.

Amendment

(c) to develop ties and exchanges among Union stakeholders, ***in particular the industry,*** on nuclear decommissioning ***and the management and disposal of radioactive waste,*** with a view to ***ensuring the dissemination of knowledge and exchanges of experiences in all relevant areas such as research and innovation, regulation, training and*** to develop potential Union synergies.

Amendment 12

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

2. The ***indicative*** distribution of the amount referred to in paragraph 1 shall be:

Amendment

2. The distribution of the amount referred to in paragraph 1 shall be:

Amendment 13

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

The Programme may finance eligible costs of an action **up to the maximum rate** as set out in Annexes I and II. The **maximum** Union co-financing rate applicable under the Kozloduy programme or the Bohunice programme shall be no **higher** than 50%. The remaining co-financing shall be provided by Bulgaria and Slovakia respectively.

Amendment

The Programme may finance eligible costs of an action as set out in Annexes I and II. The **minimum** Union co-financing rate applicable under the Kozloduy programme or the Bohunice programme shall be no **less** than 50%. The remaining co-financing shall be provided by Bulgaria and Slovakia respectively.

Amendment 14

Proposal for a regulation
Annex I – point 2

Text proposed by the Commission

2. Projects and activities funded in the period 2021-2027 are subject to a **maximum EU** co-financing rate set at 50%.

Amendment

2. Projects and activities funded in the period 2021-2027 are subject to a **minimum Union** co-financing rate set at 50%.

Amendment 15

Proposal for a regulation
Annex II – point 2

Text proposed by the Commission

2. Projects and activities funded in the period 2021-2027 are subject to a **maximum EU** co-financing rate set at 50%.

Amendment

2. Projects and activities funded in the period 2021-2027 are subject to a **minimum Union** co-financing rate set at 50%.

EXPLANATORY STATEMENT

Background

The Kozloduy and Bohunice programmes were established in the context of the negotiations for accession to the EU of Bulgaria and Slovakia. The current proposal follows up on the Union commitment to provide financial support to both Member States in decommissioning respectively the Kozloduy nuclear power plant units 1-4 and the Bohunice VI nuclear power plant. In addition, it includes also a Decommissioning and Waste Management programme (D&WM programme) for European Commission's Joint Research Center (JRC) nuclear research sites in Belgium, Netherlands, Germany and Italy. The aim of this proposal for a Council regulation is to address the challenges of the decommissioning of nuclear facilities and the management of the arising waste under a common instrument in order to optimize synergies and knowledge sharing. This is in line with the Commission commitment to set up a benchmark within the EU for safely managing technological issues in nuclear decommissioning and its proposal to put in place a European centre of excellence to promote best practices.

Proposed Regulation

The rapporteur welcomes the proposed regulation and the Union dedicated financial support to such important venture. However, he is of the view that some adjustments can be made in order to attain optimal results.

Ignalina power plant in Lithuania

In order to achieve consistency in EU law, the rapporteur believes that, in accordance with the current Council Regulation (Euratom) No 1368/2013, the decommissioning of Kozloduy and Bohunice power plants should be considered under the same legal framework as the decommissioning of Ignalina power plant in Lithuania. Moreover, this would facilitate the efforts of the Union in setting up the new Multiannual Financial Framework (MFF) and allow for a more objective European approach towards energy and in particular to nuclear challenges.

Co-financing rates

The proposal sets a maximum threshold for Union financial participation of 50%, which is not in line with the current practice in the case of Bulgaria and Slovakia – 60% and 63% respectively. The proposed lowering of the Union co-financing will result in a significant financial burden to the energy sectors in both countries.

The rapporteur would like to point out that the shutdown and consequent simultaneous decommissioning of four units of Kozloduy nuclear power plant (two WWER 440 V 230 type and two enhanced WWER 440 V 230 type) was premature. Already between 1991 and 2002 modernization programmes of wide range and high budget were performed, in particular on Units 3-4, in order to improve the reactors' design in compliance with increasing safety levels and technological developments. Under these modernization programmes, numerous design improvements have been fully implemented and endorsed by independent international experts and peer review missions, including the AQG mission held in 2003. The implementation of the decommissioning activities required on one hand the adaptation of the existing infrastructure, which was established for operational units only, and, on the other hand, the construction of a completely new decommissioning infrastructure. This led to

important changes in national legislation in parallel to the efforts made to fulfil the commitments undertaken to safely decommission the reactors.

In Slovakia, the state is currently involved in nearly 40% of the total direct costs of decommissioning of V1 NPP. However, these costs do not include investments of 310 million euros in the construction of RAW infrastructure, which were financed by their own national resources and did not benefit from EU funding.

Finally, having in mind the principle of equal treatment and compared to the Union co-financing rate within the Lithuanian decommissioning programme fixed at 80%, this approach may appear unbalanced.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing a dedicated financial programme for decommissioning of nuclear facilities and management of radioactive waste	
References	COM(2018)0467 – C8-0314/2018 – 2018/0252(NLE)	
Date of consultation / request for consent	2.7.2018	
Committee responsible Date announced in plenary	ITRE 5.7.2018	
Committees asked for opinions Date announced in plenary	BUDG 5.7.2018	ENVI 5.7.2018
Not delivering opinions Date of decision	BUDG 21.6.2018	ENVI 21.6.2018
Rapporteurs Date appointed	Peter Kouroumbashev 25.6.2018	
Discussed in committee	9.10.2018	5.11.2018
Date adopted	3.12.2018	
Result of final vote	+: –: 0:	38 3 0
Members present for the final vote	Zigmantas Balčytis, José Blanco López, Jonathan Bullock, Jerzy Buzek, Angelo Ciocca, Jakop Dalunde, Theresa Griffin, Hans-Olaf Henkel, Eva Kaili, Seán Kelly, Peter Kouroumbashev, Zdzisław Krasnodębski, Miapetra Kumpula-Natri, Janusz Lewandowski, Edouard Martin, Tilly Metz, Csaba Molnár, Angelika Niebler, Luděk Niedermayer, Morten Helveg Petersen, Carolina Punset, Julia Reda, Paul Rübig, Massimiliano Salini, Sven Schulze, Neoklis Sylikiotis, Patrizia Toia, Evžen Tošenovský, Vladimir Urutchev, Martina Werner, Lieve Wierinck, Hermann Winkler, Anna Záborská, Flavio Zanonato	
Substitutes present for the final vote	Pilar Ayuso, Michał Boni, Françoise Grossetête, Werner Langen, Marisa Matias, Răzvan Popa, Giancarlo Scottà	
Date tabled	7.12.2018	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

38	+
ALDE	Morten Helveg Petersen, Carolina Punset, Lieve Wierinck
ECR	Hans-Olaf Henkel, Zdzisław Krasnodębski, Evžen Tošenovský
GUE/NGL	Marisa Matias, Neoklis Sylikiotis
PPE	Pilar Ayuso, Michał Boni, Jerzy Buzek, Françoise Grossetête, Seán Kelly, Werner Langen, Janusz Lewandowski, Angelika Niebler, Luděk Niedermayer, Paul Rübig, Massimiliano Salini, Sven Schulze, Vladimir Urutchev, Hermann Winkler, Anna Záborská
S&D	Zigmantas Balčytis, José Blanco López, Theresa Griffin, Eva Kaili, Peter Kouroumbashev, Miapetra Kumpula-Natri, Edouard Martin, Csaba Molnár, Răzvan Popa, Patrizia Toia, Martina Werner, Flavio Zanonato
VERTS/ALE	Jakop Dalunde, Tilly Metz, Julia Reda

3	-
EFDD	Jonathan Bullock
ENF	Angelo Ciocca, Giancarlo Scottà

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention