

**P7\_TA(2013)0471**

**Nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia \***

**European Parliament legislative resolution of 19 November 2013 on the proposal for a Council regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia (COM(2011)0783 – C7-0514/2011 – 2011/0363(NLE))**

**(Consultation)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2011)0783),
  - having regard to Article 203 of the Euratom Treaty, pursuant to which the Council consulted Parliament (C7-0514/2011),
  - having regard to Article 56 of the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and Protocol No 4 thereto,
  - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
  - having regard to Rules 55 and 37 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Budgets (A7-0119/2013),
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 Euratom Treaty;
  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 4

*Text proposed by the Commission*

(4) In line with the Accession Treaty obligations and with the support of Community assistance, Bulgaria, Lithuania and Slovakia have closed the nuclear power plants and made significant progress towards their decommissioning. Further work is necessary in order to continue the progress with the actual dismantling ***operations until an irreversible state within the safe decommissioning process is reached***, whilst ensuring that the highest safety standards are applied. Based on the available estimates, completion of decommissioning work will require substantial additional financial resources.

*Amendment*

(4) In line with the Accession Treaty obligations and with the support of Community assistance, Bulgaria, Lithuania and Slovakia have closed the nuclear power plants, ***or relevant units***, and made significant progress towards their decommissioning. Further work is necessary in order to continue the progress with the actual ***demolition, decontamination, dismantling and management of spent fuel and radioactive waste operations and to implement the steady process towards the irreversible decommissioning end state***, whilst ensuring that the highest safety standards are applied. Based on the available estimates, completion of decommissioning work will require substantial additional financial resources, ***while taking into account the shared financial responsibility of the Union and those Member States***.

## Amendment 2

### Proposal for a regulation

#### Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) The premature shutdown and consequent decommissioning of the Ignalina nuclear power plant with two 1500 MW reactor units, four units of the Kozloduy nuclear power plant with an overall capacity of 1760 MW and the V1 Bohunice nuclear power plant with two units with a capacity of 880 MW has imposed a heavy long term burden on the citizens of the three countries in terms of energy, financial, economic, environmental and social implications.***

### **Amendment 3**

#### **Proposal for a regulation**

##### **Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***(4b) The decommissioning of the Ignalina nuclear power plant is a long-term operation and represents for Lithuania an exceptional financial burden not commensurate with its size or economic strength. Protocol No 4 to the 2003 Act of Accession states that "The Ignalina Programme will be, for this purpose seamlessly continued and extended beyond 2006.", adding that "For the period of the next Financial Perspectives, the overall average appropriations under the extended Ignalina Programme shall be appropriate."***

### **Amendment 4**

#### **Proposal for a regulation**

##### **Recital 4 c (new)**

*Text proposed by the Commission*

*Amendment*

***(4c) In the case of Bulgaria, Article 30 of the 2005 Act of Accession refers only to the period 2007-2009, and in the case of Slovakia the 2003 Act of Accession refers only to the period 2004-2006. Therefore, in relation to further assistance for Bulgaria and Slovakia, Article 203 of the Euratom Treaty should be applied, and Protocol No 4 and Article 56 of the 2003 Act of Accession serve as the legal basis for continued assistance for Lithuania.***

### **Amendment 5**

#### **Proposal for a regulation**

##### **Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Under the Programmes established for the period 2007-2013, the***

*Commission's supervision has focussed on budgetary execution of the financial appropriations and project implementation, rather than on the extent of the progress achieved towards the Programmes' objectives as a whole. Insufficient measuring of progress towards the achievement of the Programmes' objectives and inadequate monitoring of the effective use of resources has meant that no one has been truly accountable for the overall performance of the Programmes.*

## **Amendment 6**

### **Proposal for a regulation Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

*(5b) Due account should be taken of the Special Report 16/2011 of the Court of Auditors: EU financial assistance for the decommissioning of nuclear power plants in Bulgaria, Lithuania and Slovakia: achievements and future challenges, which includes conclusions and recommendations. The Court of Auditors has concluded that the main decommissioning process in Bulgaria, Lithuania and Slovakia is still ahead and that its finalisation faces a significant funding shortfall (around EUR 2,5 billion). In particular, major infrastructure projects have faced delays and cost-overruns in the main decommissioning process, and cost estimates are not complete in the absence of key information on radioactive waste and/or the facilities and technologies required for its treatment.*

## **Amendment 7**

### **Proposal for a regulation Recital 5 c (new)**

*Text proposed by the Commission*

*Amendment*

*(5c) Although the shutdown of all the units concerned took place within the respective deadlines, some decommissioning programmes continue to encounter delays that are economically damaging and politically unacceptable. Such delays should be tackled by the revised detailed decommissioning plan.*

## **Amendment 8**

### **Proposal for a regulation Recital 5 d (new)**

*Text proposed by the Commission*

*Amendment*

*(5d) As some programmes have not yet triggered the organisational changes needed for effective decommissioning, the necessary transformation of organisational structures should be performed.*

## **Amendment 9**

### **Proposal for a regulation Recital 6**

*Text proposed by the Commission*

*Amendment*

*(6) Following the request for further funding from Bulgaria, Lithuania and Slovakia, provision has been made in the Commission proposal for the next Multi-Annual financial framework for the period 2014-2020: ‘A Budget for Europe 2020’ for a sum of EUR 700 million from the general budget of the European Union for nuclear safety and decommissioning. From this the amount EUR 500 million in 2011 prices which is about EUR 553 million in the current prices is foreseen for a new Programme to further support the decommissioning of the Bohunice V1 units 1-2 and the Ignalina units 1-2 over the period from 2014 to 2017 and the Kozloduy units 1-4 nuclear power plants over the period from 2014 to 2020. Funding under this new Programme should be made available in a gradually*

*(6) Following the request for further funding from Bulgaria, Lithuania and Slovakia, the financial envelope for the implementation of the Programme for the period 2014 to 2020 should include appropriate financial support from the Union, based on each decommissioning plan.*

*decreasing manner.*

## **Amendment 10**

### **Proposal for a regulation Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) The amount of the appropriations allocated to the Programmes, as well as the programming period and distribution amongst the Kozloduy, Ignalina and Bohunice Programmes may be reviewed in the light of the results of the interim and the final evaluation report, provided that the highest safety standards and steady process of decommissioning in accordance with respective decommissioning plans are not endangered.***

## **Amendment 11**

### **Proposal for a regulation Recital 7**

*Text proposed by the Commission*

*Amendment*

(7) The support covered by this Regulation should ensure seamless continuation of decommissioning and concentrate on measures to ***reach an irreversible state within the safe decommissioning process, as such bringing the greatest*** Union added value, ***while ensuring the transition towards Member State funding for the completion of decommissioning.*** The ultimate responsibility for nuclear safety remains with the Member States concerned, which also implies the ultimate responsibility for its financing, including the financing of decommissioning. This Regulation does not prejudice the outcome of any future State aid procedures that may be undertaken in accordance with Articles 107 and 108 of the Treaty.

(7) The support covered by this Regulation should ensure seamless continuation of decommissioning and concentrate on measures to ***implement steady process towards the irreversible decommissioning end state whilst ensuring that the highest safety standards are applied, as such measures bring the most*** Union added value. The ultimate responsibility for nuclear safety remains with the Member States concerned, which also implies the ultimate responsibility for its financing, including the financing of decommissioning. ***Failure to comply with this obligation puts Union citizens at risk.*** This Regulation does not prejudice the outcome of any future State aid procedures that may be undertaken in accordance with Articles 107 and 108 of the Treaty ***on the Functioning of the European Union.***

## Amendment 12

### Proposal for a regulation Recital 9

*Text proposed by the Commission*

(9) The decommissioning of the nuclear power plants 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 units to be shut down, in order to ensure the highest possible efficiency.

*Amendment*

(9) The decommissioning of the nuclear power plants covered by this Regulation should be carried out with recourse to the best available technical expertise, with due regard to the nature and technological specifications of the units to be shut down **and with comprehensive assessments on the progress of the decommissioning and mitigation processes**, in order to ensure the highest possible efficiency.

## Amendment 13

### Proposal for a regulation Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10a) The costs of the decommissioning activities covered by this Regulation should be established according to internationally recognized standards for decommissioning cost estimation, such as for example the International Structure for Decommissioning Costing jointly published by the Nuclear Energy Agency, the International Atomic Energy Agency and the Commission.***

## Amendment 14

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

(11) An effective control of the evolution of the decommissioning process will be ensured by the Commission in order to assure the highest Union added value of the funding allocated within this Regulation, although the final responsibility for the decommissioning rests with the Member

*Amendment*

(11) An effective control of the evolution of the decommissioning process will be ensured by the Commission in order to assure the highest Union added value of the funding allocated within this Regulation, although the final responsibility for the decommissioning rests with the Member

States. This includes effective performance measurement and assessment of corrective measures during the programme.

States. This includes effective performance measurement and assessment of corrective measures during the programme. ***Such control should be based on the establishment of meaningful qualitative and quantitative performance indicators which can be easily monitored and reported on as necessary.***

## **Amendment 15**

### **Proposal for a regulation Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***(12a) The Commission should ensure the utmost transparency, accountability and democratic scrutiny of Union funds, especially as regards their contribution, both expected and achieved, to reaching the general objectives of the Programme. In particular critical managerial, legal, financial and technical problems should be resolved or measures taken to solve them.***

## **Amendment 16**

### **Proposal for a regulation Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) Every effort should be made to continue the co-financing practice established as part of pre-accession assistance and the assistance given over the period 2007-2013 for the decommissioning efforts of Lithuania as well as to attract co-financing from other sources as appropriate.***

## **Amendment 17**

### **Proposal for a regulation Article 1**

*Text proposed by the Commission*

*Amendment*

This Regulation establishes the multi-annual Nuclear Decommissioning Assistance Programme 2014 - 2020 ('the Programme') laying down rules for **the** implementation of the Union's financial support for measures connected with the decommissioning of the Kozloduy (units 1 to 4; the Kozloduy Programme), Ignalina (units 1 and 2; the Ignalina Programme) and Bohunice V1 (units 1 and 2; the Bohunice Programme) nuclear power plants.

## **Amendment 18**

### **Proposal for a regulation Article 1 a (new)**

*Text proposed by the Commission*

This Regulation establishes the multi-annual Nuclear Decommissioning Assistance Programme 2014 - 2020 ('the Programme') laying down rules for **further** implementation of the Union's financial support for measures connected with the **irreversible** decommissioning of the Kozloduy (units 1 to 4; the Kozloduy Programme), Ignalina (units 1 and 2; the Ignalina Programme) and Bohunice V1 (units 1 and 2; the Bohunice Programme) nuclear power plants.

*Amendment*

#### *Article 1a*

#### *Definition*

***For the purposes of this Regulation, decommissioning covers preparatory activities prior to the final shutdown (such as developing a decommissioning plan, preparing the licensing documentation and waste infrastructure projects) and all the activities taking place after the reactors are shut down, i.e. the removal and the final disposal of spent fuel elements, the decontamination, dismantling and/or demolition of the nuclear installations, the disposal of remaining radioactive waste materials and the environmental restoration of the contaminated site. The decommissioning process ends when the installation is released from any regulatory control and radiological restriction.***

## **Amendment 19**

### **Proposal for a regulation Article 2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The general objective of the Programme is to assist the Member States concerned to **reach an irreversible state within the decommissioning process** of Kozloduy units 1 to 4, Ignalina units 1 and 2 and Bohunice V1 units 1 and 2 nuclear power plants, **in accordance with their respective decommissioning plans**, while **keeping** the highest level of safety.

1. The general objective of the Programme is to assist the Member States concerned to **implement a steady process towards the irreversible decommissioning end** state of Kozloduy units 1 to 4, Ignalina units 1 and 2 and Bohunice V1 units 1 and 2 nuclear power plants, while **maintaining** the highest level of safety **in accordance with Union law on nuclear safety and in particular Council Directives 96/29/Euratom<sup>1</sup>, 2009/71/Euratom<sup>2</sup> and 2011/70/Euratom<sup>3</sup>.**

---

<sup>1</sup> **Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation (OJ L 159, 29.6.1996, p. 1).**

<sup>2</sup> **Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).**

<sup>3</sup> **Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).**

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 – point a – point iii**

*Text proposed by the Commission*

(iii) safely managing the decommissioning waste in accordance with a detailed waste management plan, to be measured by the quantity and type of **conditioned** waste;

*Amendment*

(iii) safely managing the **long term storage and disposal of** decommissioning waste in accordance with a detailed **national** waste management plan, to be measured by the quantity and type of **stored and disposed of** waste;

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 – point b – point iii**

*Text proposed by the Commission*

(iii) performing dismantling in the turbine hall and other auxiliary buildings and safely managing the decommissioning waste in accordance with a detailed waste management plan to be measured by ***the type and number of auxiliary systems dismantled and*** the quantity and type of ***conditioned*** waste;

**Amendment 22**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point c – point iii**

*Text proposed by the Commission*

(iii) safely managing the decommissioning waste in accordance with a detailed waste management plan, to be measured by the quantity and type of ***conditioned*** waste;

**Amendment 23**

**Proposal for a regulation**

**Article 2 – paragraph 2 a (new)**

*Text proposed by the Commission*

**Amendment 24**

**Proposal for a regulation**

**Article 2 – paragraph 3**

*Text proposed by the Commission*

3. Milestones ***and*** target end dates shall be defined in the act as referred to under Article 6(2).

*Amendment*

(iii) performing dismantling in the turbine hall and other auxiliary buildings and safely managing the ***long term storage and disposal of*** decommissioning waste in accordance with a detailed ***national*** waste management plan to be measured by the quantity and type of ***stored and disposed of*** waste;

*Amendment*

(iii) safely managing the ***long term storage and disposal of*** decommissioning waste in accordance with a detailed ***national*** waste management plan, to be measured by the quantity and type of ***stored and disposed of*** waste;

*Amendment*

***2a. Any of the decommissioning programmes referred to in paragraph 2 may also include measures to maintain the requisite high level of shutdown safety at the nuclear power plants.***

*Amendment*

3. ***The*** milestones, ***expected general results,*** target end dates ***and performance indicators of the joint annual work programme*** shall be defined in the act as

referred to under Article 6(2).

## Amendment 42

### Proposal for a regulation Article 3 – paragraph 1

#### *Text proposed by the Commission*

1. The financial envelope for the implementation of the Programme for the period 2014 to 2020 shall be EUR **552 947 000** in current prices.

That amount shall be distributed among the Kozloduy, Ignalina and Bohunice Programmes as follows:

(a) EUR **208 503 000** for the Kozloduy Programme for the period 2014 to 2020;

(b) EUR **229 629 000** for the Ignalina Programme for the period 2014 to **2017**;

(c) EUR **114 815 000** for the Bohunice Programme for the period 2014 to **2017**.

#### *Amendment*

1. The financial envelope for the implementation of the Programme for the period 2014 to 2020 shall be EUR **969 260 000** in current prices.

That amount shall be distributed among the Kozloduy, Ignalina and Bohunice Programmes as follows:

(a) EUR **293 032 000** for the Kozloduy Programme for the period 2014 to 2020;

(b) EUR **450 818 000** for the Ignalina Programme for the period 2014 to **2020**;

(c) EUR **225 410 000** for the Bohunice Programme for the period 2014 to **2020**.

***1a. The annual appropriations shall be authorised by the European Parliament and the Council within the limits of the multiannual financial framework and without prejudice to the provisions of the Interinstitutional Agreement of ... 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management<sup>1</sup>.***

---

<sup>1</sup> OJ ...

## Amendment 26

### Proposal for a regulation Article 3 – paragraph 2

#### *Text proposed by the Commission*

2. **The** Commission will review the performance of the Programme and assess the progress of the Kozloduy, Ignalina and Bohunice Programmes against the

#### *Amendment*

2. **On the basis of the programmes referred to in Article 6(1) and (2), the** Commission will review the performance of the Programme and assess the progress

milestones and target dates referred to in Art 2.3 by the end of **2015** within the framework of the interim evaluation referred to in Art. 8. Based on the results of this assessment, the Commission *may* review the amount of the appropriations allocated to the Programme, as well as the programming period and distribution amongst the Kozloduy, Ignalina and Bohunice Programmes.

of the Kozloduy, Ignalina and Bohunice Programmes against the milestones and target dates referred to in **Article** 2(3) by the end of **2017** within the framework of the interim evaluation referred to in **Article** 8. Based on the results of this assessment *and to take account of the progress achieved and to ensure that resources continue to be allocated on the basis of actual needs*, the Commission *shall if appropriate* review the amount of the appropriations allocated to the Programme, as well as the programming period and distribution amongst the Kozloduy, Ignalina and Bohunice Programmes. *Any adjustment of the appropriations shall not jeopardise safety standards at the nuclear power plants referred to in Article 1.*

## **Amendment 27**

### **Proposal for a regulation Article 3 – paragraph 3**

#### *Text proposed by the Commission*

3. The financial allocation for the Kozloduy, Ignalina and Bohunice Programmes may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the programme and the achievement of its objectives; in particular, studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the European Union as far as they are related to the general objectives of this Regulation, *expenses* linked to IT networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the programme.

The financial allocation may also cover the technical and administrative assistance expenses necessary to ensure the transition

#### *Amendment*

3. The financial allocation for the Kozloduy, Ignalina and Bohunice Programmes may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the programme and the achievement of its objectives; in particular, studies, meetings of experts, *training*, information and communication actions, including corporate communication of the political priorities of the European Union as far as they are related to the general objectives of this Regulation. *Expenses* linked to IT networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the programme *may also be covered*.

The financial allocation may also cover the technical and administrative assistance expenses necessary to ensure the transition

between the Programme and the measures adopted under Council Regulation (EC) 1990/2006, Regulation (Euratom) No 549/2007 and Council Regulation (Euratom) 647/2010.

between the Programme and the measures adopted under Council Regulation (EC) *No* 1990/2006, Regulation (Euratom) No 549/2007 and Council Regulation (Euratom) *No* 647/2010. ***The financial allocation shall not cover any measures other than those referred to in this Article and Article 2 of this Regulation.***

#### **Amendment 28**

##### **Proposal for a regulation Article 3 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Every effort shall be made to continue the co-financing practice established as part of pre-accession assistance and the assistance given over the period 2007-2013 for decommissioning efforts of Bulgaria, Lithuania and Slovakia as well as to attract co-financing from other sources as appropriate.***

#### **Amendment 29**

##### **Proposal for a regulation Article 3 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. Disagreements over the interpretation of the Treaties and the award of contracts shall be subject to judicial review or the latter shall be submitted to an arbitration procedure.***

***Resultant delays in construction may lead to the postponement of payment and reductions in the financial allocation. A report on this issue shall be submitted by the Commission as part of the annual evaluation report referred to in Article 6(1a), to the European Parliament and to the Council.***

#### **Amendment 30**

##### **Proposal for a regulation**

## Article 4

### *Text proposed by the Commission*

1. By 1 January 2014 Bulgaria, Lithuania and Slovakia shall fulfil the following ex ante conditionalities:

(a) Comply with Union's acquis; in ***particular in*** the area of nuclear safety the transposition into national law of ***the*** Council Directive 2009/71/Euratom on nuclear safety and ***the*** Council Directive 2011/70/Euratom on the management of spent fuel and radioactive waste.

(b) Establish a national legal framework ***to provide adequate provisions for the timely accumulation of national financial resources*** for the safe completion of decommissioning in accordance with applicable State aid rules.

(c) Submit to the Commission a revised detailed decommissioning plan

2. The Commission shall assess the information provided on the fulfilment of the ex ante conditionalities when preparing the 2014 annual work programme as referred to in Article 6(1). ***It may decide, when adopting the annual work programme,*** to suspend all or part of the

### *Amendment*

1. By 1 January 2014 Bulgaria, Lithuania and Slovakia shall ***take the appropriate measures to ensure that they*** fulfil the following ex ante conditionalities:

(a) Comply with ***the*** Union's acquis in the area of nuclear safety, ***in particular regarding*** the transposition into national law of Council Directive 2009/71/Euratom on nuclear safety and Council Directive 2011/70/Euratom on the management of spent fuel and radioactive waste.

(b) Establish ***in*** a national legal framework ***an overall financing plan that identifies the full costs required*** for the safe completion of decommissioning ***of the nuclear reactor units covered by this Regulation with the clear identification of the funding sources,*** in accordance with applicable State aid rules.

(c) Submit to the Commission a revised detailed decommissioning plan, ***setting out main objectives and tasks broken down to the level of decommissioning activities, anticipated projects, schedule, concrete milestones, cost structure and co-financing proportions including details of how national funding will be secured in the long term. That plan shall pay due regard to the latest Nuclear Energy Agency (NEA) and Commission guidelines on decommissioning cost estimation.***

***1a. By 1 January 2014 Bulgaria, Lithuania and Slovakia shall provide the Commission with the information on their fulfilment of the ex ante conditionalities referred to in paragraph 1.***

2. The Commission shall assess the information provided on the fulfilment of the ex ante conditionalities when preparing the 2014 annual work programme as referred to in Article 6(1), ***in particular that critical managerial, legal, financial and technical problems have been***

Union financial assistance pending the satisfactory completion of the ex ante conditionalities.

*resolved or measures have been taken to solve them. If there is a reasoned opinion by the Commission in respect of an infringement for non-compliance with the conditionality referred to in point (a) of paragraph 1 of this Article or if the conditionalities referred to in point (b) or (c) of paragraph 1 of this Article are not fulfilled satisfactorily, the Commission may decide to suspend all or part of the Union financial assistance pending the satisfactory completion of the ex ante conditionalities.*

*Such decisions shall be reflected in the adoption of the annual work programme and shall not jeopardise safety standards at the nuclear power plants referred to in Article 1. The amount of suspended assistance shall be established in accordance with criteria set out in the acts referred to in Article 6(2).*

## Amendment 31

### Proposal for a regulation Article 6

#### *Text proposed by the Commission*

1. *The* Commission shall adopt one joint annual work programme for Kozloduy, Ignalina and Bohunice Programmes specifying the objectives, expected results, related indicators and timeline for the use of funds under each annual financial commitment.

2. The Commission shall adopt not later than 31 December 2014, detailed

#### *Amendment*

1. *At the beginning of each year of the 2014-2020 period, the* Commission shall adopt one joint annual work programme for *the* Kozloduy, Ignalina and Bohunice Programmes *respectively* specifying the objectives, expected results, target end dates, related *performance* indicators and timeline for the use of funds under each annual financial commitment.

*1a. At the end of each year of the 2014-2020 period, the Commission shall submit an evaluation report on the implementation of the joint annual work programmes to the European Parliament and the Council. That report shall serve as a basis for the adoption of subsequent annual work programmes.*

2. The Commission shall adopt not later than 31 December 2014, detailed

implementation procedures for the duration of the **Programme**. **The act** setting out the implementation procedures shall also define in more detail for the Kozloduy, Ignalina and Bohunice Programmes **the expected results, activities and the corresponding performance indicators**. It will contain the revised detailed decommissioning plans as referred to **under** Article 4(1)(c) that shall serve as baseline for the monitoring of the progress and the timely achievement of the expected results.

3. The annual work programmes and the acts setting out the implementation procedures referred to in paragraph 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 9(2).

## **Amendment 32**

### **Proposal for a regulation Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

## **Amendment 33**

### **Proposal for a regulation Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

2. The Commission or its representatives

implementation procedures for the duration of the **Programme**. **Those implementing acts** setting out the implementation procedures shall also define in more detail **the elements referred to in paragraph 1 of this Article** for the Kozloduy, Ignalina and Bohunice Programmes. It will contain the revised detailed decommissioning plans as referred to **in** Article 4(1)(c) that shall serve as baseline for the monitoring of the progress and the timely achievement of the expected results.

**2a. The Commission shall ensure the implementation of this Regulation. It shall carry out an interim evaluation, as provided for in Article 8(1).**

3. The annual work programmes and the acts setting out the implementation procedures referred to in paragraph 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 9(2).

*Amendment*

**1a. By 31 March of the year following each accounting year, the Member States concerned shall report on the use of the financial allocations. Those reports, certified by national audit bodies, shall be sent to the Commission and the Council to be incorporated into the discharge procedure of the annual budget of the Union.**

*Amendment*

2. The Commission or its representatives,

and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds.

*the national audit bodies of the Member States in which the nuclear power plants to be decommissioned are situated* and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds under the Programme. ***The results of the audits shall be communicated to the European Parliament.***

#### **Amendment 34**

##### **Proposal for a regulation**

##### **Article 7 – paragraph 2 – subparagraph 2**

###### *Text proposed by the Commission*

The European Anti-fraud Office (OLAF) may carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Regulation (Euratom, EC) No 2185/96 with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the European Union in connection with a grant agreement or grant decision or a contract concerning Union funding.

###### *Amendment*

The European Anti-fraud Office (OLAF) may carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Regulation (Euratom, EC) No 2185/96 with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the European Union in connection with a grant agreement or grant decision or a contract concerning Union funding. ***The results of the checks and inspections shall be communicated to the European Parliament.***

#### **Amendment 35**

##### **Proposal for a regulation**

##### **Article 7 – paragraph 2 – subparagraph 3**

###### *Text proposed by the Commission*

Without prejudice to the first and second sub-paragraphs, cooperation agreements with third countries and international organisations and grant agreements and grant decisions and contracts resulting from the implementation of this Regulation shall expressly empower the Commission, the Court of Auditors and OLAF to

###### *Amendment*

Without prejudice to the first and second sub-paragraphs, cooperation agreements with third countries and international organisations and grant agreements and grant decisions and contracts resulting from the implementation of this Regulation shall expressly empower the Commission, the Court of Auditors and OLAF to

conduct such audits, on-the-spot checks and inspections.

conduct audits, on-the-spot checks and inspections ***and shall ensure that the results thereof are communicated to the European Parliament.***

## Amendment 36

### Proposal for a regulation Article 8

#### *Text proposed by the Commission*

##### Evaluation

1. No later than end 2015, an evaluation report shall be established by the Commission on the achievement of the objectives of all the measures, at the level of results and impacts, the efficiency of the use of resources and its Union added value, in view of a decision amending or suspending the measures. The evaluation shall additionally address the scope for simplification, its internal and external coherence, the continued relevance of all objectives. It shall take into account evaluation results on the long-term impact of the predecessor measures.

***2. The Commission shall carry out ex-post evaluation in close cooperation with the Member States and beneficiaries. The ex-post evaluation shall examine the effectiveness and efficiency of the Programme and its impact on***

#### *Amendment*

##### ***Interim*** evaluation

1. No later than end 2017, an ***interim*** evaluation report shall be established by the Commission, ***in close cooperation with the Member States concerned and the beneficiaries***, on the achievement of the objectives of all the measures, at the level of results and impacts, the efficiency of the use of resources and its Union added value ***and the effectiveness of the programme management, including management of Union funds***, in view of a decision amending or suspending the measures. ***On the basis of the results of that evaluation, the Commission may review the appropriateness of the appropriations allocated to the Programme and their distribution amongst the Kozloduy, Ignalina and Bohunice Programmes, in agreement with the Union's budgetary authorities and in accordance with Regulation (EU) No .../2013 [laying down the multiannual financial framework for the years 2014-2020].*** The ***interim*** evaluation shall additionally address the scope for simplification, its internal and external coherence, the continued relevance of all objectives. It shall take into account evaluation results on the long-term impact of the predecessor measures.

*decommissioning.*

3. *Evaluations* shall take account of progress against performance indicators as referred to in Article 2(2).

4. The Commission shall *communicate* the conclusions of these evaluations to the European Parliament and the Council.

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 8 a (new)**

*Text proposed by the Commission*

3. *The interim evaluation* shall take account of progress against performance indicators as referred to in Article 2(2) **and fulfilment of requirements set out in the decommissioning plan referred to in point (c) of Article 4(1).**

4. The Commission shall *submit* the conclusions of these evaluations to the European Parliament and the Council.

*Amendment*

#### **Article 8a**

***Final Evaluation for the period 2014-2020***

***1. The Commission shall carry out an ex-post evaluation in close cooperation with the beneficiaries. The ex-post evaluation shall examine the effectiveness and efficiency of the Programme and its impact on decommissioning.***

***2. Before 31 December 2020, the Commission shall establish, in close cooperation with the Member States concerned and the beneficiaries, a final evaluation report on the effectiveness and efficiency of the Programme, as well as the effectiveness of financed measures in terms of impacts, use of resources and Union added value, using appropriate qualitative and quantitative indicators. The evaluation report shall identify whether further Union financial assistance is needed under the next multiannual financial framework.***

***3. The final evaluation shall take account of progress against performance indicators as referred to in Article 2(2).***

***4. The Commission shall communicate the conclusions of the final evaluation to the European Parliament and the***

*Council.*

*5. The Commission shall take into account the various decommissioning expertise and strategies employed by Bulgaria, Lithuania and Slovakia, to explore possible ways of harmonising approaches to decommissioning in the Union in order to ensure timely build-up of the necessary knowledge in order to improve the competitiveness of the Union nuclear industry in that domain.*