



TEXTS ADOPTED

P8_TA(2019)0041

European Instrument for Nuclear Safety complementing the Neighbourhood, Development and International Cooperation Instrument *

European Parliament legislative resolution of 17 January 2019 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))

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2018)0462),
 - having regard to Article 203 of the Treaty establishing the European Atomic Energy Community, pursuant to which the Council consulted Parliament (C8-0315/2018),
 - having regard to Rule 78c 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 Foreign Affairs (A8-0448/2018),
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 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 the Union's overall interests should play a vital role in guidance of the programming of actions under this Regulation.

Amendment 2

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) The objective of the present Programme "European Instrument for Nuclear Safety complementing the Neighbourhood, Development and International Cooperation Instrument on the basis of the Euratom Treaty" should be to promote the establishment of effective and efficient nuclear safety, radiation protection, and the application of efficient and effective safeguards of nuclear materials in third countries, building on its **own activities** within the Union.

(3) The objective of the present Programme "European Instrument for Nuclear Safety complementing the Neighbourhood, Development and International Cooperation Instrument on the basis of the Euratom Treaty" **(the 'Instrument')** should be to promote the establishment of effective and efficient nuclear safety, radiation protection, and the application of efficient and effective safeguards of nuclear materials in third countries, building **on the regulatory frameworks and sharing of best practices that exist** within the Union.

Amendment 3

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Instrument should not, by any means, promote the use of nuclear energy in third countries and the Union, but

should focus in particular on improving nuclear safety standards globally while promoting a high level of radiation protection and the application of effective and efficient safeguards of nuclear materials.

Amendment 4

Proposal for a regulation Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) The nuclear accidents in the nuclear power plants of Chernobyl in 1986 and Fukushima Daiichi in 2011 have clearly shown that nuclear accidents have devastating global consequences for citizens and the environment. This underlines the necessity for the highest nuclear safety standards and safeguards and continuous efforts to improve these standards and safeguards globally, as well as for the Community's engagement in supporting these goals in third countries. Those standards and safeguards should reflect state of the art practices, in particular in governance and regulatory independence.

Amendment 5

Proposal for a regulation Recital 4

Text proposed by the Commission

Amendment

(4) This Regulation forms part of the framework devised for the planning of cooperation and should complement those nuclear cooperation measures that are financed under [the Regulation NDICI].

(4) This Regulation forms part of the framework devised for the planning of cooperation and should complement those nuclear cooperation measures that are financed under [the Regulation NDICI] *which is falling under the Treaty on the Functioning of the European Union, and in particular its Articles 209, 212 and 322(1).*

Amendment 6

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Community is member of the Convention on Nuclear Safety (1994) and member of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1997).

Amendment 7

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Transparency and public information in relation to nuclear safety, safeguards, decommissioning and waste management activities such as required, for example, by the Aarhus Convention (1998) are an important element to prevent negative impacts of radioactive material on citizens and the environment and should thus be guaranteed under the Instrument.

Amendment 8

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

(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.

objectives of Chapters 3 and 7 of Title II. ***It should further cooperate with other highly regarded international organisations in the field such as the Organisation for Economic Co-operation and Development/Nuclear Energy Agency, the European Bank for Reconstruction and Development and the Northern Dimension Environmental Partnership, which pursue similar goals in nuclear safety as the Community. Coherence, complementarity and cooperation between the Instrument and these organisations and their programmes can increase the scope, efficiency and effectiveness of nuclear safety measures around the world. Unnecessary duplications and overlaps should be avoided.***

Amendment 9

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) To continuously improve nuclear safety and to enhance regulation in this area in the Union, the Council adopted Council Directives 2009/71/Euratom, 2011/70/Euratom and 2013/59/Euratom. Those directives, as well as the high nuclear safety and decommissioning standards in the Community, shall serve as a guideline for actions financed under the Instrument and shall motivate cooperating third countries to implement regulations and standards with the same level of safety.

Amendment 10

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) The Instrument should also promote international cooperation based on conventions on nuclear safety and radioactive waste management. Partner countries should be encouraged to become parties to those conventions allowing for an IAEA-assisted periodic peer review of their national systems. Peer reviews provide an external view of the state-of-play and challenges in nuclear safety in third countries, which can be used in programming of the high-level Union support. The Instrument can benefit from the reviews of well-respected international nuclear energy agencies that carry out peer reviews reporting to the potential beneficiaries of the Instrument. The findings and recommendations of such peer reviews that are made available to national authorities can also be helpful in prioritising concrete support measures for the third countries concerned.

Amendment 11

Proposal for a regulation Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) The concepts of nuclear safety and nuclear security are inextricably linked, as lacks in nuclear safety, e.g. in safe operation processes, can lead to nuclear security risks, and as nuclear security risks, especially new risks e.g. in cyber-security, may lead to new challenges for nuclear safety. Thus, the Union's nuclear security activities in third countries, as laid down in Annex II to Regulation ... [COD No 2018/0243 (NDICI)] and activities funded through the Instrument should be coherent and complementary.

Amendment 12

Proposal for a regulation Recital 7

Text proposed by the Commission

(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 in acceding countries, candidate countries and potential candidates.

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

(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 decommissioning and remediation of former nuclear-related sites*** and nuclear safeguards in third countries, in particular in acceding countries, candidate countries and potential candidates ***as well as in the Neighbourhood area within the meaning of ... [COD 2018/0243, NDICI]. With the aim of implementing the highest nuclear safety standards and to detect flaws in existing safety measures, the Instrument might support nuclear regulatory bodies in performing comprehensive risk and safety assessments (“stress tests”) of existing installations, and of nuclear plants being constructed, based on the Community acquis on nuclear safety and radioactive waste, the implementation of recommendations and the monitoring of relevant measures. The European Parliament should be informed regularly by the Commission about the activities in nuclear safety undertaken in third countries and about the status of their implementation.***

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 13

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) According to Article 3 TFEU, it is the Union's goal to improve its people's well-being. This Instrument offers the opportunity for the Union to improve sustainably the socio-economic and health situation of people globally, within and beyond its borders. The projects funded by the Instrument should also be coherent with the internal and external policies of the Union by e.g. contributing to the achievement of the Sustainable Development Goals such as Good health and well-being, Clean water and sanitation. The Instrument itself should follow the principles of good governance and by that contribute to the Sustainable Development Goal Peace, justice and strong institutions.

Amendment 14

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) This Instrument should aim to engage countries receiving financial assistance under this Regulation to uphold the commitments stemming from the association, partnership and cooperation agreements with the Union, the Treaty on the Non-Proliferation of Nuclear Weapons, commit to relevant international conventions, uphold nuclear safety and radiation protection standards and commit to implementation of relevant recommendations and measures with the highest standards of transparency and publicity.

Amendment 15

Proposal for a regulation Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) This Instrument should, through projects funded by it, fully support nuclear safety and safeguards measures as well as improving health situation of people in third countries, especially of those living near nuclear power installations and/or uranium mining areas, including safe remediation of former uranium mines-related sites in third countries, in particular in Central Asia and in Africa where currently some 18 % of the global supply of uranium comes from South Africa, Niger and Namibia.

Amendment 16

Proposal for a regulation Recital 7 d (new)

Text proposed by the Commission

Amendment

(7d) This Instrument should aim to engage countries receiving financial assistance under this Regulation to further democratic principles, the rule of law and human rights and to uphold the commitments stemming from the Espoo and Aarhus Conventions.

Amendment 17

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(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.

(8) The implementation of this Regulation should be based on consultation, where ***appropriate***, with the relevant authorities of the ***Union and*** Member States, ***such as the European Nuclear Safety Regulators Group***, and on

a dialogue with the partner countries. *Such consultation should, in particular, take place in the course of developing and before the adoption of multiannual indicative programmes. Where such dialogue fails to resolve Union's concerns over nuclear safety, the external funding under this Regulation, should not be granted.*

Amendment 18

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Individual, differentiated approach towards countries receiving support through the Instrument should be promoted. Use of the Instrument should be based on the assessment of specific needs of countries receiving the support, as well as on the expected overall benefit of the Instrument, in particular structural changes in the countries concerned.

Amendment 19

Proposal for a regulation Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) Member States' regulatory bodies, technical support organisations, nuclear engineering companies and nuclear energy utilities have the necessary expertise and know-how with regard to implementing the highest standards of nuclear safety and radiation protection in a variety of regulatory systems of the Member States, which can be a useful source of support to partner countries that set out to do the same in their national regulatory and industrial frameworks.

Amendment 20

Proposal for a regulation Recital 9

Text proposed by the Commission

(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.

Amendment

(9) 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 indicators should be performance and result-oriented, in order to require more responsibility and accountability from beneficiary countries to the Union and the Member States on results achieved in the implementation of safety improvement measures.***

Amendment 21

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) The Union and the Community should seek the most efficient use of available resources in order to optimise the impact of their external action. That should be achieved through coherence and complementarity between the Union's external financing instruments, as well as the creation of synergies with other Union policies and Programmes. In order to maximise the impact of combined interventions to achieve a common objective, this Regulation should allow for the combination of funding with other Union Programmes, as long as the contributions do not cover the same costs.

Amendment

(10) The Union and the Community should seek the ***optimal and*** most efficient use of available resources ***and should seek to improve the implementation and quality of spending*** in order to optimise the impact of their external action. That should be achieved through coherence and complementarity between the Union's external financing instruments, as well as the creation of synergies with other Union policies and Programmes ***such as the Euratom research and training programmes***. In order to maximise the impact of combined interventions to achieve a common objective, this Regulation should allow for the combination of funding with other Union Programmes, as long as the contributions

do not cover the same costs.

Amendment 22

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

Amendment

(14) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance, ***while considering their accessibility for potential partners and their ability to create legal certainty***. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

Amendment 23

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to foster the implementation of the highest standards of nuclear safety in third countries efficiently and timely, decision and negotiations processes within the Commission and with third countries need to be efficient and fast.

Amendment 24

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

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 **regulatory frameworks and best practices** within the Community and in line with the provisions of this Regulation **and helping to ensure a purely civilian use of nuclear material and by that, the protection of citizens and the environment. Within this objective, this Regulation aims also to support the implementation of transparency in nuclear related decision-making by authorities of third countries.**

Cooperation provided by the Union in the field of nuclear safety and safeguards under this Regulation is not aimed at promoting nuclear energy.

Amendment 25

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 culture **and governance, the continuous improvement of nuclear safety** and implementation of the highest nuclear safety and radiation protection standards, **that exist within the Community and internationally for the relevant nuclear activities**;

Amendment 26

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, ***from their generation to final disposal, including spent fuel, (i.e. pre-treatment, treatment, processing, storage and disposal),*** and the ***safe and efficient*** decommissioning and remediation of former nuclear sites and installations ***as well as legacy sites related to uranium mining or sunken radioactive objects and material;***

Amendment 27

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 safeguards for nuclear material;***

Amendment 28

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) encouraging the promotion of overall transparency and openness of authorities in third countries, as well as public information and participation in decision making processes relating to the safety of nuclear installations and effective radioactive waste management practices, in accordance with relevant international conventions and instruments;

Amendment 29

Proposal for a regulation

Article 2 – paragraph 2 – point cb (new)

Text proposed by the Commission

Amendment

(cb) using the Instrument knowledge and actions to leverage political influence in international organisations in the area of energy and security.

Amendment 30

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. In implementing this Regulation, consistency, synergies and complementarity with Regulation (EU) No XXX/XXX NDICI, other Programmes of Union external action, other relevant Union policies and Programmes, as well as policy coherence for development shall be ensured.

1. In implementing this Regulation, consistency, synergies and complementarity with Regulation (EU) No XXX/XXX NDICI, other Programmes of Union external action, other relevant Union policies and **legislative acts such as the Directives 2009/71/Euratom, 2011/70/Euratom and 2013/59/Euratom, Union goals and values and Programmes such as the Research and Training Programme of the European Atomic Energy Community complementing Horizon Europe**, as well as policy coherence for development shall be ensured.

Amendment 31

Proposal for a regulation

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall coordinate its cooperation with third countries and with international organisations pursuing similar objectives, in particular the IAEA and the OECD/NEA. This coordination will enable the Community and the organisations concerned to avoid any

duplication of actions and funding in relation to third countries. The Commission shall also involve the competent authorities of Member States and European operators in the fulfilment of its task, thereby harnessing the quality of European expertise in the field of nuclear safety and safeguards.

Amendment 32

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

The financial envelope for the implementation of this Regulation for the period 2021 – 2027 shall be EUR **266** million in *constant* prices.

Amendment 33

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 Community acquis related to nuclear safety and safe management of spent fuel and radioactive waste, 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 34

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 35

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. The multiannual indicative programmes shall constitute a general basis for the cooperation, and shall set out the Community's goals for cooperation under this Regulation, having regard to the needs of the countries concerned, the Community's priorities, the international situation and the activities of the third countries concerned. The multiannual indicative programmes shall also indicate the added value of the cooperation and how to avoid duplication with other programmes and initiatives, in particular those of international organisations pursuing similar objectives and major donors.

Amendment

3. The multiannual indicative programmes shall constitute a general basis for the cooperation, and shall set out the Community's goals for cooperation under this Regulation, having regard to the needs of **and circumstances in** the countries concerned, the Community's priorities, the international situation and the activities of the third countries concerned. The multiannual indicative programmes shall also indicate the added value of the cooperation and how to avoid duplication with other programmes and initiatives, in particular those of international organisations pursuing similar objectives and major donors.

Amendment 36

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The multiannual indicative programmes shall aim to engage countries receiving financial assistance under this Regulation to uphold the commitments arising from agreements with the Union and the Treaty on the Non-Proliferation of Nuclear Weapons, to commit themselves to relevant international conventions, uphold nuclear safety and radiation protection standards and commit themselves to implementing relevant recommendations and measures with the highest standards of transparency and publicity.

Amendment 37

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Multiannual indicative programmes should set out a framework for qualified and independent oversight to increase the level of nuclear safety of the partner countries. They could include provisions for supporting nuclear regulatory authorities in performing comprehensive risk and safety assessments (“stress tests”) of nuclear power installations, based on the Community acquis on nuclear safety and radioactive waste, as well as the implementation of recommendations arising from those stress tests and the monitoring of the application of relevant measures, for example in acceding countries, candidate countries, potential candidates and countries covered by the

Amendment 38

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

5. Multiannual indicative programmes shall be based on a dialogue with the partner countries or regions.

Amendment

5. Multiannual indicative programmes shall be based on a dialogue with the partner countries or regions. ***In elaborating and prior to the adoption of programmes, the Commission should consult the European Nuclear Safety Regulators Group (ENSREG) and, where appropriate, the relevant national authorities of the Member States.***

Amendment 39

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

6. The Commission shall adopt the multiannual indicative programmes in accordance with the examination procedure referred to in Article 13(2). The Commission shall, following the same procedure, revise and, if necessary, update those indicative programmes.

Amendment

6. The Commission shall adopt the multiannual indicative programmes in accordance with the examination procedure referred to in Article 13(2). The Commission shall ***review them at mid-term, and,*** following the same procedure, if necessary, revise and update those indicative programmes.

Amendment 40

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 41

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) expenditures related to the provision of information and communication actions, including the development of communication strategies and corporate communication and visibility of the political priorities of the Union.

Amendment

(b) expenditures related to the provision of information and communication actions, including the development of communication strategies and corporate communication and visibility of the political priorities, **goals and values** of the Union.

Amendment 42

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Criteria applying to International Nuclear Safety Cooperation

1. A common understanding and a reciprocal agreement between the third country and the Community shall be confirmed through a formal request to the Commission, committing the respective Government.

2. Third countries wishing to cooperate with the Community shall be members of the Treaty on the Non-Proliferation of Nuclear Weapons and should have its Additional Protocol or a safeguards agreement with the International Atomic Energy Agency sufficient to provide credible assurance of the non-diversion of declared nuclear material from peaceful nuclear activities and of the absence of undeclared nuclear material or activities in that state as a whole in place. They shall fully subscribe to Fundamental Safety Principles as stipulated in IAEA Safety Standards and be parties to the relevant Conventions,

such as the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management, or have taken steps demonstrating a firm undertaking to accede to such Conventions. In the case of active co-operation, that commitment shall be evaluated annually taking into account National Reports and other documents on the implementation of relevant Conventions. On the basis of such an evaluation, a decision shall be taken with regard to the continuation of the cooperation. In an emergency, flexibility shall, on an exceptional basis, be shown in the application of those principles.

3. In order to ensure and to monitor compliance with the cooperation objectives of this Regulation, the third country concerned shall accept the evaluation of the actions undertaken pursuant to paragraph 2. The evaluation shall allow the monitoring and verification of compliance with the agreed objectives and can be a condition for continued payment of the Community contribution.

Amendment 43

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

(1) Monitoring, reporting and evaluation shall be carried out in accordance with Article 31 paragraphs 2, 4, 5 and 6, and Articles 32 and 36 of the Regulation (EU) No XXX/XXX NDICI.

Amendment

(1) Monitoring, reporting and evaluation shall be carried out in accordance with Article 31 paragraphs 2, 4, 5 and 6, and Articles 32 and 36 of the Regulation (EU) No XXX/XXX NDICI. *Specific evaluations, as referred in Article 32(2) of the Regulation (EU) No XXX/XXX NDICI, related to nuclear safety, radiation protection and safeguard, after consulting the ENSREG, shall be discussed in European Instrument for International Nuclear Safety Cooperation committee and*

presented to the European Parliament.

Amendment 44

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) number of legal and regulatory acts prepared, introduced and or revised and ***their successful implementation, as well as their impact on nuclear safety standards and safeguards in the respective countries, including impact on citizens and environment;***

Amendment 45

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) number of design, concept or feasibility studies for the establishment of facilities in line with the highest standards of nuclear safety ***and the successful implementation of the results of those studies.***

Amendment 46

Proposal for a regulation

Article 12 – paragraph 2 – point ba (new)

Text proposed by the Commission

Amendment

(ba) nuclear safety, radiation protection, and effective and efficient safeguards improvement measures, based on the highest standards of nuclear safety, radiation protection and nuclear safeguards, including international peer review results, implemented in nuclear facilities.

Amendment 47

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Transparency

The Commission and the third countries cooperating with the Union under this Instrument shall ensure that necessary information in relation to the nuclear safety measures undertaken in those third countries with the help of the Instrument and in relation to their nuclear safety standards in general, is made available to workers and the general public, with specific consideration to local authorities, population and stakeholders in the vicinity of a nuclear installation. That obligation shall include ensuring that the competent regulatory authority and the licence holders provide information within their fields of competence. Information shall be made available to the public in accordance with relevant legislation and international instruments, provided that this does not jeopardise other overriding interests, such as security, which are recognised in relevant legislation and international instruments.