



**2021/2753(DEA)**

27.9.2021

# **DRAFT MOTION FOR A RESOLUTION**

pursuant to Rule 111(3) of the Rules of Procedure

on the Commission delegated regulation of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives (C(2021)2800 –2021/2753(DEA))

**Committee on Economic and Monetary Affairs  
Committee on the Environment, Public Health and Food Safety**

Member responsible: Joëlle Mélin

(Joint committee procedure - Rule 58 of the Rules of Procedure)

**European Parliament resolution on the Commission delegated regulation of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives  
(C(2021)2800- 2021/2753(DEA))**

*The European Parliament,*

- having regard to the Commission delegated regulation of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives (C(2021)2800),
  - having regard to Article 290 of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088<sup>1</sup>, and in particular Articles 10(3), 11(3) and 23(6) thereof,
  - having regard to Article 111 (3) of its Rules of Procedure
  - having regard to the resolution of the European Parliament of 15 January 2020 on the European Green Deal<sup>2</sup>,
  - having regard to the joint deliberations of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Food Safety under Rule 58 of the Rules of Procedure,
  - having regard to the motion for a resolution of the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Food Safety,
- A. whereas Article 194(2) TFEU recognises the right of a Member State to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply;
- B. whereas nuclear energy constitutes for some Member States the main source of their energy supply and for many others it constitutes an important source;

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<sup>1</sup> OJ L 198, 22.6.2020, p. 13.

<sup>2</sup> OJ C 270, 7.7.2021, p. 2.

- C. whereas some Member States are dependent on fossil fuels and there is a need for them to find, within the framework of the energy transition, different options in order to achieve the objective of carbon neutrality by 2050;
- D. whereas United Nations Economic Commission for Europe (UNECE) Executive Secretary Olga Algayerova said in a press release regarding a UNECE report entitled “Technology Brief Nuclear Power” published on 11 August 2021 - that ‘For those countries who choose to implement this technology, nuclear power is an important source of low-carbon electricity and heat that can contribute to attaining carbon neutrality and hence help to mitigate climate change and attain the 2030 Agenda for Sustainable Development’;
- E. whereas the defence of the Union's strategic interests requires the preservation of an industrial sector in which certain Member States have acquired experience so that the Union is able to compete in this sector at international level;
- F. whereas the nuclear sector is a highly strategic sector in which the major world powers, as well as investors such as Bill Gates and Jeff Bezos, are investing in order to develop innovative solutions for the future;
- G. whereas China has increased the number of operating nuclear power plants tenfold since 2000 and has reached a level of 30 % decarbonised energy in its energy mix due to this technology;
- H. whereas it is important to make the investments necessary to advance research and preserve the sector's competitiveness in the face of international competition, particularly from the United States and China;
- I. whereas the leaders of seven Member States (Czech Republic, France, Hungary, Poland, Romania, Slovenia and Slovakia, ) sent a letter to the Commission on 19 March 2021 asking it to urgently ensure a level playing field for nuclear power in the Union, without excluding it from European climate and energy policies and incentives;
- J. whereas the expert groups mandated by the Commission have concluded<sup>3</sup> that nuclear activities are compatible with the obligations of Regulation (EU) 2020/852, and that there is no scientific evidence that nuclear energy is more harmful to human health or the environment than other electricity generation technologies already included in the taxonomy;
- K. whereas those groups also consider deep geological repositories as an appropriate and safe ‘means of isolating spent fuel and other high-level waste from the biosphere for very long time scales’;
- L. whereas a complementary delegated act may include nuclear energy and gas, but that, as announced by the Commission, this is not guaranteed and it would not become available before September 2021;
- M. whereas it is not suitable to leave an issue of this importance unresolved by presenting several delegated acts to Regulation (EU) 2020/852;

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<sup>3</sup> Report of the Scientific Committee on Health, Environmental and Emerging Risks adopted on 29 June 2021

- N. whereas the construction or conversion of nuclear power plants is not eligible for financing under the Just Transition Fund or InvestEU and it would be dangerous to deprive an entire sector of funding for the coming decades;
  - O. whereas nuclear power is an important provider of stable and qualified jobs in the Union;
  - P. whereas any energy production activity involves risks and has some form of environmental impact, but nuclear power is a low-carbon activity and plays a full part in achieving the Union's objectives, and therefore has a positive risk-benefit balance;
  - Q. whereas efforts relating to waste treatment, its reuse or storage, as well as research into new forms of use of the atom remain essential;
  - R. whereas the safety of installations, transport and processing of nuclear-related waste must remain an absolute priority;
  - S. whereas approximately 25 % of energy consumption in Europe is directly linked to the household sector, mainly used for heating and cooling;
  - T. whereas natural gas provides a viable alternative fuel for transport, reduces emissions from maritime and heavy and long-haul road transport and delivers flexible capacity to support an electricity network with increasing share of intermittent renewables;
  - U. whereas next to electrification and hydrogen technologies, low-carbon liquid fuels will play an essential role beyond 2050;
  - V. whereas the Union has no competence in national forest policies so that there is no legal basis to include sustainability criteria for forest policies in the delegated regulation;
1. Objects to the Commission delegated regulation;
  2. Instructs its President to forward this resolution to the Commission and to notify it that the delegated regulation cannot enter into force;
  3. Regrets that the Commission does not recognise the right of Member States ‘to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply’, granted to them under Article 194 (2), second subparagraph, TFEU;
  4. Regrets that the Commission has not applied the principle of technological neutrality as as referred to in Article 19 of Regulation (EU) 2020/852;
  5. Regrets that the Commission did not address or answer the question of nuclear energy in the Commission delegated regulation, which deprives the taxonomy of its transparency, credibility, predictability and exhaustiveness, thereby preventing investors from taking informed decisions with full knowledge of the facts, and thus hampering the competitiveness of some players;
  6. Regrets that the Commission did not address or answer the question of gas, to be considered as the enabling and transition technology;

7. Regrets that the screening criteria that apply to the building sector for windows and doors fail to take into considerations all relevant factors, such as free solar gains for glass, materials with glass layers, etc;
8. Stresses that it has been impossible for Members to exercise proper democratic control over the Commission delegated regulation during the summer recess of Parliament given the lack of a 'full picture' of what will or will not be authorised under Regulation (EU) 2020/852;
9. Calls on the Commission, as guardian of the Treaties, to respect Article 194 TFEU and Article 19 of Regulation (EU) 2020/852, stipulating that the principle technological neutrality shall be guaranteed by taking into account the opinion of the experts (mandated by the Commission itself) and including nuclear energy among the energies compatible with the objectives of Regulation (EU) 2020/852, the European Green Deal and the energy transition as a whole;
10. Calls on the Commission to adhere to the science-based approach, as outlined by the experts of the Joint Research Centre of the Commission<sup>4</sup>.
11. Calls on the Commission to present all the activities covered by Regulation (EU) 2020/852 in a single delegated act, in order to allow full and meaningful democratic scrutiny;
12. Considers that the Commission delegated regulation fails to comply with the general Union climate objectives;
13. Calls on the Commission to submit a new delegated act that includes nuclear and gas activities and which takes account of the position of Parliament;
14. Instructs its President to forward this resolution to the Council and to the governments and parliaments of the Member States.

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<sup>4</sup> Report of the Joint Research Centre of 2 March 2021