Nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia 2014-2020

2011/0363(NLE) - 29/04/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Giles CHICHESTER (ECR, UK) on the proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia.

The Committee makes the following amendments to the Commission proposal:

Definition of decommissioning: Members specify that the definition of 'decommissioning' is derived from the one found in the ECA Special Report n°16/2011. Decommissioning covers **preparatory activities prior** to the final and **all the activities taking place after the reactors are shut down**: (i) the removal and the final disposal of spent fuel elements, (ii) decontamination, (iii) dismantling and/or demolition of the nuclear installations, (iv) the disposal of remaining radioactive waste materials and (v) the environmental restoration of the contaminated site. The decommissioning process ends when the installation is released from any regulatory control and radiological restriction.

Objectives: the general objective of the Programme is to assist the Member States concerned to implement **steady process towards the irreversible decommissioning end state of nuclear power plants** named in the regulation, in accordance with Union law on nuclear safety.

Members stress the need to safely manage **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. They state that the effective control of the evolution of the decommissioning process should be based on the establishment of meaningful **qualitative and quantitative performance indicators**, which can be easily monitored and reported on as necessary.

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

Budget: annual appropriations shall be authorised by the budgetary authority without prejudice to the provisions of the Regulation laying down the multiannual financial framework for the years 2014-2020 and the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management.

It is specified that the financial envelope **shall cover for the period 2014 to 2020 for the three programmes** (Kozloduy, Ignalina et Bohunice).

Cofinancing: Members request that every effort be made, on the one hand, to continue the co-financing practice established as part of pre-accession assistance and the assistance given over the period 2007-2013 for all three Member States' decommissioning efforts, and on the other, to attract co-financing from other sources as appropriate.

Arbitration procedure: disagreements over the interpretation of the Treaties and the award of contracts shall be submitted to an arbitration procedure. Resultant delays in construction may lead to the postponement of payment and reductions in the financial allocation. The Commission shall submit a report on this issue as part of the annual evaluation report referred to in the regulation.

***Ex ante* conditionalities:** Members clarified the *ex ante* conditionalities to be fulfilled by Bulgaria, Lithuania and Slovakia. These three countries must provide the Commission with the information showing that they fulfil the conditionalities by 1 January 2014.

The Commission shall assess the information provided, **ensuring in particular that critical managerial, legal, financial and technical problems have been 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 conditionality, the Commission may decide to suspend all or part of the Union financial assistance.

Annual work programme and implementing procedures: at the beginning of each year of the 2014-2020 period, the Commission shall adopt one joint annual work programme for 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.

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. That report shall serve as a basis for the adoption of subsequent annual work programmes.

The Commission shall submit a yearly progress report on the implementation of the joint annual work programmes to the European Parliament and the Council.

Protection of financial interests: Members specify that by 31 March of the year following each accounting year, Member States shall report on the use of the financial envelope. The results of audits carried out by the Commission, the national audit bodies of the Member States in which the nuclear facilities to be declassified are situated and the Court of Auditors shall be **communicated to the European Parliament**.

Interim evaluation: no later than end 2017 (rather than 2015), an interim evaluation report shall be established by the Commission, in close cooperation with the Member States and the beneficiaries. On the basis of the results of that assessment, the Commission may review the appropriateness of the appropriations allocated to the Programme and their distribution amongst Kozloduy, Ignalina and Bohunice, in agreement with the Union's budgetary authorities and in accordance with the provisions of multiannual financial framework for the years 2014-2020.

Final evaluation for the period 2014-2020: the Commission shall carry out an *ex-post* evaluation in close cooperation with the beneficiaries. Before 31 December 2020, it shall establish a final evaluation report using appropriate qualitative and quantitative indicators. The evaluation report shall identify whether further Union financial assistance is needed under the next financial perspectives.