EC/Russia agreement: multilateral nuclear environmental programme, treatment and storage of radioactive waste and spent nuclear fuel. Framework agreement

2006/0227(CNS) - 08/11/2006 - Legislative proposal

PURPOSE: the conclusion of a Framework Agreement for a Multilateral Nuclear Environmental Programme and the adoption of a Protocol on claims, legal proceedings and indemnification to the Framework Agreement.

PROPOSED ACT: Council Decision.

BACKGROUND: Russia's North West region is home to huge amounts of spent nuclear fuel (SNF) and radioactive waste. The main source of nuclear waste derives from nuclear submarines but it also derives from civilian nuclear power icebreakers (operated by the Murmansk Shipping Company, MSCO), floating technical bases storing SNF, military and civilian nuclear research centres (including reprocessing facilities) and the use of radionuclides in medicines and research activities. Vessels taken out of service from the Northern Fleet contain more than 200 nuclear reactors. Most submarines have two reactors on board. Many still have SNF on board. Yet, none of the naval bases have the appropriate facilities for handling and storing SNF and radioactive waste on site. Radioactive leakage into the environment is already taking place. Industry initiatives to clean up the waste have mostly failed due to a lack of available funds. One such example includes attempts to solve the storage of radioactive waste on board a decommissioned icebreaker called the *Lensk.* This icebreaker, which is docked in Murmansk harbour, was built in 1936, was sunk in the second world war but was later refloated. In spite of its history and sea worthiness the *Lensk* nevertheless holds around 640 spent fuel assemblies, the storage of which fails to meet any acceptable norms.

Since the early 1990's considerable international effort has gone into aiding the clean up of radioactive waste in the North West region of Russia, culminating in the "Multilateral Nuclear Environmental Programme in the Russian Federation (MNEPR) Framework Agreement, which was signed in Stockholm in 2003. It is a non-EU Framework Agreement and includes a number of signatories. They are the European Community, the European Atomic Energy Community, Belgium, Denmark, Finland, Germany, the Netherlands, Norway, the Russian Federation, Sweden and the United Kingdom. The original text has been deposited at the OECD Nuclear Energy Agency in Paris and at the Ministry of Foreign Affairs of the Russian Federation.

The Framework Agreement has been applied on a provisional basis since 2003, the date of its signature, but it has always been subject to ratification, acceptance or approval by all of the Parties. All of the EU Member States who signed the Framework Agreement have now deposited their ratification instruments with the Depositories – the last one being the United Kingdom which ratified the Framework Agreement in April 2006. This means that the Community is now in a position to conclude the MNEPR Framework Agreement.

CONTENT: the purpose of this proposed Decision is to adopt the MNEPR Framework Agreement as well as a Protocol on Claims, Legal Proceedings and Indemnification, which is attached.

The MNEPR establishes a multilateral legal framework for nuclear-related projects carried out by western countries in North West Russia. The Protocol, on the other hand, aims to settle liability issues arising from the activities taken out within the context of the Agreement.

The MNEPR has been designed to facilitate projects addressing problems regarding radioactive waste and spent nuclear fuel and the decommissioning of nuclear submarines and icebreakers in the Russian Federation. It may work on other projects relating to nuclear safety if agreement is found amongst all the Parties concerned. Assistance may be provided in the form of bi-lateral, multi-lateral or multi-lateral funding implementing agreements. Any other mechanisms for co-operation is also permitted provided that it is agreed upon by the contributor and recipient alike.

The Russian Federation must ensure the prompt issuance of licences, permits, approvals and the prompt customs clearances necessary for the efficient implementation of the projects. Similarly, the Russian Federation is expected to provide data and information as well as granting access to sites, necessary for the implementation of projects. Other provisions set out the rules on:

- claims, legal proceedings and indemnification;
- the use and retransfer of assistance;
- exemption from taxes or similar charges for non-Russian personnel;
- on accounts, audits and examinations;
- intellectual property;
- the status of personnel and
- the settlement of disputes.