Assessing Euratom: 50 years of European nuclear energy policy

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The European Parliament adopted a resolution based on the own-initiative report drawn up by Eugenijus **MALDEIKIS** (UEN, LT) entitled "Assessing Euratom - 50 Years of European nuclear energy policy". The report examined the extent to which the Euratom Treaty remains a suitable legal framework for nuclear energy activities and whether it can contribute to Europe's economic competitiveness, energy independence and security of supply.

50 years with the Euratom Treaty : since 1957 and the signing of the Euratom Treaty, the EU has become the world leader in the nuclear industry and one of the main actors in nuclear research in the fields of controlled thermonuclear fission and fusion. The EU nuclear industry's almost total command of the fuel cycle offers the Union, at this time of debate on energy dependence, guarantees of industrial and technological independence, particularly as regards fuel enrichment. Parliament pointed out that, thanks in particular to the Euratom Treaty, nuclear energy was producing, from 152 reactors spread across 15 Member States, 32 % of Europe's electricity. i.e. the largest share of non-carbon electricity in the EU. The founder countries of Euratom laid down a series of provisions in ten chapters with the aim of strictly containing the development of nuclear energy within the Community, and those provisions are still applicable. However, the 1957 consensus on nuclear energy no longer exists among the Member States. Expectations with regard to nuclear energy, to which the Euratom Treaty gave expression five decades ago, have changed. Those expectations now relate more to the need to have a sound legal framework to govern the supervision of the use of nuclear energy in the EU and to provide a framework for the integration into the EU of countries which use nuclear power. Parliament pointed to the achievements of the Euratom Treaty, which has made it possible to protect the public, workers and the environment against ionising radiation (Chapter III), to develop research in the areas of waste management and plant safety (Chapter I) and to implement safeguards in respect of fissile materials in Europe (Chapter VII). The legislation developed under Chapter III of the Euratom Treaty (on health protection) must remain under the responsibility of the EU in order to ensure that basic standards for the protection of workers and the general public are applied and extended to include the environment, and that it takes account in an evolutionary way of the results of international scientific studies. Safeguards (Chapter VII) are one of the major successes of the Euratom Treaty's application and provide the Commission with the means of ascertaining the stocks and movements of nuclear materials in the EU.

Parliament noted that the main provisions of the Euratom Treaty have not been amended since it entered into force on 1 January 1958. It confirmed that it is for each and every Member State to decide whether or not to rely on nuclear energy. Irrespective of the diversity of views on nuclear energy, the provisions of the Euratom Treaty that have helped prevent the proliferation of nuclear materials, and those which address health, safety and the prevention of radiological contamination, have been highly beneficial and should be carefully co-ordinated with the health and safety provisions of the EC Treaty.

Lacunae: Parliament regretted that the codecision procedure has not been taken into account in the Euratom Treaty, and felt that it was entitled to be formally involved in texts whose legal basis is the Euratom Treaty. It saw as evidence of an unacceptable democratic deficit the fact that Parliament was almost completely excluded from the Euratom legislative process and that it was consulted, and no more, on only one of the ten chapters of the Euratom Treaty. It also regretted the absence of a legislative corpus on harmonised standards for nuclear safety, the management of radioactive waste and the decommissioning of nuclear plants with real added value, particularly in comparison with the existing international framework.

Guidelines for the future: despite its imperfections, the Euratom Treaty remains an indispensable legal framework, not only for Member States who wish to develop their nuclear industry but also for Member States who merely wish to benefit from a protective legal arsenal for their populations and their environment. An intergovernmental conference should be convened to carry out a comprehensive revision of the Euratom Treaty, to repeal the outdated provisions of that Treaty, to maintain the regulatory regime of the nuclear industry at EU level, to revise the remaining provisions in the light of a modern and sustainable energy policy and to incorporate the relevant ones in a separate energy chapter. The EU should defend its industrial and technical leadership in the light of the vigorous revival by other actors of their nuclear activities (Russia, USA) and the emergence of new world actors on the nuclear stage (China and India) which will be the EU's competitors in the medium term. The absence of the legal framework provided by the Euratom Treaty would lead to the renationalisation of nuclear policy in Europe, and would give rise to a risk of legal uncertainty for all the 27 Member States.

Parliament felt that deleting one or more chapters from the Euratom Treaty or merging certain provisions into the EC Treaty would unbalance the Euratom Treaty as a whole by weakening the supervision of nuclear energy use in Europe. This requires the maintenance of a dedicated legal framework. Its partial incorporation into a hypothetical chapter on "Energy" in the EC Treaty would weaken the overall legal supervision of nuclear energy in Europe and remove the specific nuclear control procedures contained today in the Euratom Treaty. However, the Euratom Treaty needs to be somewhat reformed :

-there should be a revision of the decision-making procedures in the Euratom Treaty, which would enable Parliament to be closely involved through co-decision in legislative procedures in the nuclear field;

-in the context of a need to adapt European energy policy and extend the working lives of power stations, there is an urgent need to draw up robust legislation and adopt concrete measures at Community level in the fields of nuclear safety, the management of radioactive waste and the decommissioning of nuclear plants and to take steps to ensure that research and development promoting the safe use of nuclear energy receives as much attention and support as possible.

Parliament went on to call for the development of teaching and training programmes at European level in the nuclear field and for measures to secure the funding of ambitious research programmes, so as to respond to the challenges in the areas of fission and radiological protection. It encouraged the Commission to draw up really forward-looking PINCs for nuclear production and investment targets, in the global context of increasing competition in this sector, which would also take into consideration the aims of reducing greenhouse gas emissions.

Lastly, Parliament called for the role of the Euratom Supply Agency to be revived and for the powers conferred upon it by the Euratom Treaty to be used in full. That role should be regarded from the point of view of competitiveness and security of supplies, rather than uranium shortage, including the supply of fabricated nuclear fuel. The provisions of the Euratom Treaty give it the means of becoming a proper energy observatory in the nuclear field, and to that end, Parliament encouraged the current thinking on improving the status of the Euratom Supply Agency.