Basic information

2004/0221(CNS) CNS - Consultation procedure Regulation	Procedure completed
Nuclear energy: Bohunice V1 nuclear power plant in Slovakia, implementation of the Protocol No 9 annexed to the Accession Act 2004 Repealed by 2011/0363(NLE) **Subject** 3.60.04 Nuclear energy, industry and safety **Geographical area** Slovakia	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	HARMS Rebecca (Verts /ALE)	15/03/2005

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
BUDG Budgets	LEWANDOWSKI Janusz (PPE-DE)	26/10/2004
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2799	2007-05-14

European Commission

Commission DG	Commissioner
Energy and Transport	PIEBALGS Andris

Key events

Date	Event	Reference	Summary
29/09/2004	Legislative proposal published	COM(2004)0624	Summary
14/12/2004	Committee referral announced in Parliament		
26/09/2005	Vote in committee		Summary
05/10/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0282/2005	
15/11/2005	Debate in Parliament		
16/11/2005	Decision by Parliament	T6-0429/2005	Summary
16/11/2005	Results of vote in Parliament		
24/05/2006	Modified legislative proposal published	COM(2004)0624/2	
14/05/2007	Act adopted by Council after consultation of Parliament		
14/05/2007	End of procedure in Parliament		
23/05/2007	Final act published in Official Journal		

Technical information

Procedure reference	2004/0221(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2011/0363(NLE)
Legal basis	Euratom Treaty A 203
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/6/24210

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE360.221	06/07/2005	
Committee opinion	BUDG	PE360.142	15/09/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0282/2005	05/10/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0429/2005	16/11/2005	Summary

European Commission

Document type	Reference	Date	Summary

Legislative proposal	COM(2004)0624	29/09/2004	Summary
Commission response to text adopted in plenary	SP(2005)5015	15/12/2005	
Modified legislative proposal	COM(2004)0624/2	24/05/2006	
Document attached to the procedure	COM(2006)0239	24/05/2006	Summary
Follow-up document	COM(2011)0432	13/07/2011	Summary
Follow-up document	SEC(2011)0914	13/07/2011	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2007/0549 OJ L 131 23.05.2007, p. 0001	Summary

Nuclear energy: Bohunice V1 nuclear power plant in Slovakia, implementation of the Protocol No 9 annexed to the Accession Act 2004

2004/0221(CNS) - 16/11/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution on the Bohunice V1 nuclear power plant in Slovakia by 377 votes in favour to 222 against with 59 abstentions. (Please see the summary dated 26/09/2005.) Before the final vote Rebecca **HARMS** (Greens/EFA DE) withdrew her name from the report and asked Parliament to vote against the report because MEPs had voted to raise EU spending.

Parliament felt that the estimated costs of the early closure and decommissioning of the two units are higher than the basis used for the Commission's calculation. Therefore, Parliament wanted to raise EU appropriations from EUR 237 million as in the Commission's proposal to EUR 400 million for the period from 1.1.2007 to 31.12.2013**.** The additional amount of EUR 163 million should be made available by the European Union and especially to those Member States that will benefit from the closure of the nuclear power plant in the context of the annual budgetary procedure. Parliament also inserted a clause stating that the measures to be supported using Community budget will be defined in more detail by the Commission in 2006 after it receives the decommissioning plans comprising all the necessary information on decommissioning process from the Slovak authorities. On the basis of this plan the Commission will give its yearly approval to measures to be financed. The financial assistance from the Community budget should continue after 31.12.2013.

Nuclear energy: Bohunice V1 nuclear power plant in Slovakia, implementation of the Protocol No 9 annexed to the Accession Act 2004

2004/0221(CNS) - 24/05/2006

Package of legislative proposals following the Interinstitutional Agreement on

budgetary discipline and sound financial management

The conclusion on 17 May 2006 by the Commission, the Council and the European Parliament of the agreement on the 2007-2013 financial framework (Interinstitutional Agreement on budgetary discipline and sound financial management – please refer to procedure ACI/2004/2099) marks a real success for Europe, providing a stable financial framework for the political priorities of the enlarged Union for the next seven years. It is now up to the institutions and Member States to ensure that the financial resources available are used and implemented as well as possible. Action at European level must contribute true added value to that taken at national, regional or local level and must have an optimum impact on each European player. The Commission is ready to play a full role in all these areas.

The agreement marks a decisive step forward towards the ultimate objective of providing the Union with operational programmes by the beginning of 2007. Work must now be continued on each legislative act. To this end, the Commission intends to continue to provide momentum and act as a facilitator, as it has been doing since the start of the negotiations.

As part of the negotiations on the 2007-2013 financial framework, in October 2005 the European Parliament, the Council and the Commission adopted a joint declaration in which they undertook to continue work on the legislative proposals currently being discussed and then, once the interinstitutional agreement had been adopted and on the basis of amended proposals by the Commission, to reach agreement on each of these proposals. Thus, in accordance with Article 250(2) of the EC Treaty and in order to facilitate this phase for each legislative act, the Commission has adopted a total of 30 proposals, 26 of which are amended and 4 new.

The **proposals amended as a result of the IIA** are as follows:

Programmes concerning the external policy of the Union and development cooperation:

Ø **COD/2004/0219** (**European Neighbourhood and Partnership Instrument**)

Ø **COD/2004/0220** (**development co-operation and economic co-operation instrument**)

Solidarity and Management of Migration Flows Programme (JHA):

Ø **COD/2005/0046 (European Refugee Fund)**

Ø **COD/2005/0047** (**External borders fund, 2007-2013**)

Ø **COD/2005/0049** (**European Return Fund**)

Fundamental Rights and JusticeProgramme (JHA):

Ø **COD/2005/0037/A(DAPHNE**)

Ø **COD/2005/0037/B** (**drugs prevention and information**)

RDT Framework Programme and specific programmes :

Ø **COD/2005/0043** (**RDT Framework Programme**)

Ø **CNS/2005/0044(Nuclear Research Programme**)

Ø **CNS/2005/0184** (**Joint Research Centre - JRC**)

Ø **CNS/2005/0185** (**Transnational cooperation specific programme**)

Ø **CNS/2005/0186** (**Specific programme Ideas, frontier research**)

Ø **CNS/2005/0187(Specific programme supporting researchers)**

Ø **CNS/2005/0188** (**RDTCapacities specific programme**)

Ø **CNS/2005/0189** (**specific programme direct actions by the Joint Research Centre JRC**)

Ø **CNS/2005/0190** (**fusion energy, nuclear fission and radiation protection specific programme)**

Employment and social cohesion Programme:COD/2004/0158

- Programmes in the fields of youth and education:
  - Ø **COD/2004/0152** (**Youth**)
  - Ø **COD/2004/0153** (**Education – lifelong learning**)
- Consumer Protection and Public Health Framework programme:
  - Ø **COD/2005/0042/A** (**Public health**)
  - Ø **COD/2005/0042/B** (**Consumers**)
- Programme in the fields of energy, environment and transport :
  - Ø **COD/2004/0218** (**LIFE+)**

- Ø **COD/2004/0154** (**TransEuropean networks in the areas of energy and transport**)
- Ø **CNS/2004/0221** (**Decommissioning of the Bohunice nuclear plant**)

- GALILEO (**radio-navigation by satellite**): **COD/2004/0156**

In terms of **new proposals**, the Commission has already submitted three in the area of agriculture and rural development policy and fisheries and aquaculture policy:

- Ø **CNS/2006/0081** (**fisheries and aquaculture**)
- Ø **CNS/2006/0082** (**rural development**)
- Ø **CNS/2006/0083** (**common agricultural policy**).

Certain legislative acts do not form part of this package of measures, in particular those on which political agreement has been reached since 17 May. For these measures, the Commission has played a full part in helping to bring about agreement between the arms of the legislative authority. The same applies to the acts for which conclusion of the interinstitutional agreement does not modify the Commission's original proposal. For all the others, which are included in the package presented, the changes proposed by the Commission take account of the content of the interinstitutional agreement adopted, either in a simplified form, where the financial resources allocated to each programme must be adapted, or in a more detailed form where the structure or even the content of the act must be revised. It should also be noted that four of the amended proposals contain amendments already voted on by the European Parliament at first reading and that one proposal has been divided into two amended proposals in response to a request by the Council and the European Parliament, although Parliament has not yet proceeded to a first reading of this proposal.

Based on these amended proposals, the Commission calls on the European Parliament and the Council to continue their discussions of these proposals and conclude them as soon as possible in order to ensure that all the legal instruments are available in time for the effective launch of the programmes in January 2007.

Nuclear energy: Bohunice V1 nuclear power plant in Slovakia, implementation of the Protocol No 9 annexed to the Accession Act 2004

2004/0221(CNS) - 14/05/2007 - Final act

PURPOSE: to provide financing for the decommissioning of the Bohunice V1 nuclear power plant in Slovakia.

LEGISLATIVE ACT : Council Regulation (Euratom) N° 549/2007 on the implementation of Protocol No 9 on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia to the Act concerning the conditions of accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

CONTENT: This Regulation establishes the programme laying down detailed rules for implementation of the Community's financial contribution provided for in Protocol No 9 annexed to the 2003 Act of Accession. Protocol No 9 on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia, as annexed to the 2003 Act of Accession, reiterates Slovakia's commitment to close the Bohunice V1 nuclear power plant and, to this end, established an assistance programme with a budget of EUR 90 million for the period 2004 to 2006. However, in Protocol No 9 the Union also recognised that decommissioning of the Bohunice V1 nuclear power plant would have to continue beyond the Financial Perspectives 2002 to 2006 and that this effort represented a significant financial burden for Slovakia. Bohunice V1 nuclear power plant over the period from 2007 to 2013.

The Community contribution to the programme under the Regulation will be granted for the purpose of providing financial support for measures connected with the decommissioning of the Bohunice V1 nuclear power plant, measures for environmental upgrading in line with the acquis and for modernising conventional production capacity to replace the production capacity of the two reactors at the Bohunice V1 power plant and other measures which stem from the decision to close and decommission this plant and which contribute to the necessary restructuring, upgrading of the environment and modernisation of the energy production, transmission and distribution sectors in Slovakia as well as to enhancing security of supply and energy efficiency in Slovakia.

The financial reference amount necessary for implementation of the programme 2 for the period from 1 January 2007 to 31 December 2013 shall be **EUR 423 million**.

The amount of the appropriations allocated to the programme may be reviewed in the course of the period from 1 January 2007 to 31 December 2013 to take account of the progress made with implementation of the programme and ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity.

Financial assistance for measures under the programme, or parts thereof, may be made available as a Community contribution to the Bohunice International Decommissioning Support Fund, managed by the EBRD.

The Commission will ensure the implementation of this Regulation and shall report at regular intervals to the European Parliament and the Council. It will carry out a mid-term review, as stated above.

The European Parliament shall be informed by the Commission of committee proceedings on a regular basis. To that end, it will receive agendas for committee meetings, and the results of voting and summary records of the meetings and lists of the authorities and organisations to which the persons designated by the Member States to represent them belong.

ENTRY INTO FORCE : 12/06/2007.

Nuclear energy: Bohunice V1 nuclear power plant in Slovakia, implementation of the Protocol No 9 annexed to the Accession Act 2004

2004/0221(CNS) - 29/09/2004 - Legislative proposal

PURPOSE : to provide financing for the decommissioning of the Bohunice V1 nuclear power plant in Slovakia.

CONTENT : Slovakia has committed to closure of Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant by 31 December 2006 and 31 December 2008, respectively, at the latest. The Union has expressed its willingness to continue to provide financial assistance up to 2006 as an extension of the pre-accession aid planned under the Phare programme in support of Slovakia's decommissioning efforts.

In the Protocol the European Union has also recognised that decommissioning of the Bohunice V1 nuclear power plant will have to continue beyond the current Financial Perspectives and that this effort represents a significant financial burden for Slovakia. Decisions on the continuation of assistance from the Union in this field after 2006 will take account of this situation.

With this proposal, the European Commission is calling for legislative measures needed for the European Union to continue granting financial assistance beyond 2006 to Slovakia for the closure of the Bohunice V1 nuclear power plant. The decommissioning of nuclear installations involves the commitment of considerable sums of money (about 15% of the investment cost of a reactor) and extends over an extremely long period of time. The measures financed by this support must obviously cover the technical operations involved in the decommissioning of nuclear installations. However, the plan is not to limit them to the technical aspects alone, but also to take account of other areas, such as security of energy supply, and the social aspects (redeployment of power plant staff).

The contribution for certain measures may amount to up to 100% of the total expenditure. Every effort shall be made to continue the co-financing practice established under the preaccession assistance and the assistance given over the period 2004-2006 for Slovakia's decommissioning effort as well as to attract co-financing from other sources, as appropriate.

The financial assistance may be made available as a Community contribution to the Bohunice International Decommissioning Support Fund managed by the European Bank for Reconstruction and Development.

FINANCIAL IMPLICATIONS :

- Budget line : the budget line used for the years 2004-2006 is 060505 nuclear safety – transitional measures (decommissioning).

- Total : EUR 237 million.

- Period of application : 2007-2013.

- Impact on human resources : 2.5 permanent staff representing a total of EUR 270 000 per year (in addition to the financial envelope).

Nuclear energy: Bohunice V1 nuclear power plant in Slovakia, implementation of the Protocol No 9 annexed to the Accession Act 2004

2004/0221(CNS) - 13/07/2011

The Commission presents a report on the use of financial resources provided to Lithuania, Slovakia and Bulgaria to support the decommissioning of early shut-down nuclear power-plants under the Acts of Accession. The report assesses the implementation status of EU financial assistance, particularly covering the implementation of the decommissioning programme during the period 2004 – 2009. It also considers financial assistance from the preceding period and recent progress made in 2010 in order to provide a consistent and comprehensive picture.

It recalls that the EU assistance programme is dedicated to the following NPPs:

- **Ignalina** NPP (INPP) units 1 and 2 in Lithuania.
- **Bohunice** V1 NPP (V1 NPP) units 1 and 2 in Slovakia and
- **Kozloduy** NPP (KNPP) units 1 to 4 in Bulgaria.

All designated nuclear units in Lithuania, Slovakia and Bulgaria have been safely shut down in line with their Accession Agreements. Decommissioning works are currently ongoing. This situation has been achieved as a direct consequence of the successful implementation of the EU assistance programme, which have faced a variety of difficulties, at both the political and technical level. Considerable efforts were taken by Member States to renegotiate their political commitments, however through the EU`s expression of solidarity and the provision of appropriate financial assistance all countries respected their Accession Treaty commitments to shut down their reactor units.

The boundary conditions for each country are unique and impact upon the choice of technology, strategy and reasoning associated with the selection of projects. Therefore it is difficult to present a direct comparison of the effectiveness of the EU assistance provided to each Member State. An assessment of the needs and capabilities was undertaken prior to the instigation of projects at each NPP. Identification and implementation of projects also benefited from a regular re-evaluation of the national strategies and decommissioning plans.

Lithuania-Ignalina Nuclear Power Plant: Unit 1 was permanently shut down on 31 December 2004, and unit 2 on 31 ecember 2009. The total EU assistance to Lithuania between 1999 and 2013 is anticipated to be EUR 1367 million.

The programme evolved within a difficult political climate. Up to 2009 Lithuania campaigned strongly to postpone the closure of unit 2 until 2012. The lack of commitment to closure impacted negatively on the progress towards decommissioning. Despite these difficulties, both units were finally shut down on schedule as prescribed in the Accession Treaty. Today they are safely maintained, and are in a decommissioning phase. As of today the reactor core of unit 1 has been completely defueled. No electricity shortages or black-out were experienced following the closures. Considering this difficult background, the performance towards decommissioning can be considered as satisfactory. Although delays have been experienced in some of the decommissioning projects and have given rise to additional costs, these delays have not as yet had a direct impact on the critical path of the decommissioning. However, the project "slack" has been exhausted and significant efforts will be required in order to avoid major delays and additional cost increases.

Slovakia– Bohunice V1 Nuclear Power Plant: Unit 1 was permanently shut-down on 31 December 2006 and unit 2 on 31 December 2008. The total EU assistance to Slovakia between 1999 and 2013 is foreseen to be EUR 613 million.

Since the beginning of the programme several issues such as: the reorganisation of JAVYS (the state-owned organisation responsible for the post-shut down supervision and for the decommissioning of V1 NPP), communication difficulties between the parties; the gas crisis in early 2009 have contributed to the complexity of the programme implementation and delays in some projects. Despite these difficulties, both units were shut down on schedule, and have been safely maintained. They are now in the decommissioning phase. No electricity shortages were experienced following the closure. As such the overall performance can be considered satisfactory. Delays experienced in some projects might have a negative impact on issuance of decommissioning license (scheduled for mid 2011). The EU continues to monitor closely the progress towards the achievement of this key milestone.

Bulgaria – Kozloduy Nuclear Power Plant: Units 1 and 2 were shut down on 31 December 2002 and units 3 and 4 were shut down on 31 December 2006. The total EU assistance to Bulgaria between 1999 and 2013 is anticipated to be EUR 867.78 million.

The decommissioning programme has progressed in a particularly unfavourable political context. In 2006 attempts were made to postpone the closures, and again, after 2006 to reopen the shutdown reactors. Despite these difficulties the overall performance of the programme can be considered satisfactory given that all units have been shut down as prescribed in the Accession Treaty. Units 1&2 are entirely defueled, the dry spent fuel storage is close to completion and first dismantling works have started. Waste treatment and storage facilities are under implementation. No electricity black-out occurred following the closure of the reactor units.

The commitment of the current Bulgarian government, together with the separation of units 1&2 from 3&4 will support and impact positively on the timely progression of the decommissioning programme. A major benefit realised in relation to the EU assistance is the change in the decommissioning strategy from one of "deferred dismantling" to "immediate – continuous dismantling". This reduces the overall time for decommissioning and makes best use of available staff to execute dismantling works. This will have a positive impact on the overall costs for decommissioning. A substantial proportion of the funds have been allocated to energy projects to address consequences of the early-closure.

Conclusion: the scale of the problem encountered by each country was a function of the different reactor types to be decommissioned, the state of the existing infrastructure required to support the decommissioning and waste management challenges, the possibilities regarding replacing the lost electrical generating capacity, the regulatory and political environment and the choice of decommissioning strategy. Despite initial difficulties, the reactors were shut-down on schedule and the majority have been de-fueled as a first important step towards irreversible closure and decommissioning of the NPPs.

In each Member State the finances available for projects exceed the disbursements. The funds have been made available on an annual basis since 1999 at a time when Member States were not yet able to make full use of them. As a consequence, some funds have accumulated. More recently these funds have been utilised more effectively and efficiently and they will be fully absorbed within the next two years.

Significant progress has been demonstrated for the three programmes over the past years and up to the end of the reporting period with the majority of the decommissioning and energy-sector-related projects having been identified or prepared and with a significant proportion already under implementation.

In all countries the majority of funding was directed towards decommissioning and radioactive waste (RAW) management related projects. Lithuania and Bulgaria used a significant portion for spent fuel storage and waste management. Currently, the facilities necessary for decommissioning, treatment and storage of RAW and spent nuclear fuel are under construction, the licensing documentation is elaborated and first preparatory dismantling works have started. The energy sector has benefited where projects were in line with the EU and national energy policies. EU assistance was advanced from an early stage to the energy sector in order to address the loss of electricity generating capacity. This approach proved to be particularly beneficial and effective in the case of Bulgaria, in mitigating the effects of the recent energy and financial crises. Although delays occurred in some decommissioning projects, these are actively addressed to minimise their impact on the critical path of the decommissioning.

The countries' legal framework and management structures continue to be adapted taking into account the changes from electricity producing companies to decommissioning organisations.

Outlook: measures in the decommissioning and energy windows will continue up until the end of the financing perspective as guided by the strategies identified. Decommissioning related projects will be prioritised above energy related projects where funds are limited.

The use of the EU assistance within the decommissioning window will be focusing on the completion of the necessary infrastructure, RAW treatment, the realisation of the necessary decommissioning licenses and on dismantling. New decommissioning organisation and management structures will be instigated and reinforced to address the dismantling activities, while the execution of the dismantling works by plant staff continues.

Energy sector projects are well advanced. Actions in this area are currently considered to be sufficient. Although the final financial commitment will be made in 2013, the implementation of the works from these commitments will extend beyond this date. The aim of the EU assistance remains to provide assistance to the Member States rather than the full financing of the decommissioning or the full compensation of closure consequences. The assistance provided shall be complemented by adequate national resources.