

Basic information	
<p>2009/0172(NLE)</p> <p>NLE - Non-legislative enactments Regulation</p>	Procedure completed
<p>Nuclear safety: financial assistance to decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria, 'Kozloduy Programme'</p> <p>Repealed by 2011/0363(NLE)</p> <p>Subject</p> <p>3.60.04 Nuclear energy, industry and safety</p> <p>Geographical area</p> <p>Bulgaria</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ITRE Industry, Research and Energy		HARMS Rebecca (Verts /ALE)	15/01/2010
			Shadow rapporteur	
			URUTCHEV Vladimir (PPE)	
			KALFIN Ivailo (S&D)	
			VĂLEAN Adina (ALDE)	
		SZYMAŃSKI Konrad (ECR)		
		RANSDORF Miloslav (GUE /NGL)		
		TZAVELA Niki (EFD)		
	Committee for opinion		Rapporteur for opinion	Appointed
	BUDG Budgets		TRÜPEL Helga (Verts/ALE)	16/12/2009
	ENVI Environment, Public Health and Food Safety		PARVANOVA Antonia (ALDE)	02/02/2010
Council of the European Union	Council configuration		Meetings	Date
	Economic and Financial Affairs ECOFIN		3027	2010-07-13

European Commission	Commission DG	Commissioner
	Mobility and Transport	KALLAS Siim

Key events			
Date	Event	Reference	Summary
27/10/2009	Legislative proposal published	COM(2009)0581 	Summary
24/11/2009	Committee referral announced in Parliament		
02/12/2009	Additional information		Summary
28/04/2010	Vote in committee		Summary
05/05/2010	Committee report tabled for plenary, 1st reading/single reading	A7-0142/2010	
19/05/2010	Debate in Parliament		
20/05/2010	Decision by Parliament	T7-0188/2010	Summary
20/05/2010	Results of vote in Parliament		
13/07/2010	Act adopted by Council after consultation of Parliament		
13/07/2010	End of procedure in Parliament		
22/07/2010	Final act published in Official Journal		

Technical information	
Procedure reference	2009/0172(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2011/0363(NLE)
Legal basis	Euratom Treaty A 203
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/01478

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE438.485	04/02/2010	
Amendments tabled in committee		PE439.416	08/03/2010	

Committee opinion	ENVI	PE439.141	08/04/2010	
Committee opinion	BUDG	PE439.828	22/04/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0142/2010	05/05/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0188/2010	20/05/2010	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2009)0581 	27/10/2009	Summary
Document attached to the procedure	SEC(2009)1431 	27/10/2009	
Commission response to text adopted in plenary	SP(2010)3805	24/06/2010	
Follow-up document	COM(2011)0432 	13/07/2011	Summary
Follow-up document	SEC(2011)0914 	13/07/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2010/0647 OJ L 189 22.07.2010, p. 0009	Summary
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Nuclear safety: financial assistance to decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria, 'Kozloduy Programme'

2009/0172(NLE) - 27/10/2009 - Legislative proposal

PURPOSE: to establish the programme laying down detailed rules for the implementation of Community's financial contribution (€300 million) to address the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant and the consequences of their closure in Bulgaria.

PROPOSED ACT: Council Regulation.

BACKGROUND: during the accession negotiations, Bulgaria committed itself to the closure of Units 1 and 2 of the Kozloduy nuclear power plant by 31 December 2002 and to the closure of Units 3 and 4 by 31 December 2006 at the latest. The 2005 Act of Accession provides, inter alia, for Community support under the Kozloduy Programme of €210 million for the period 2007 – 2009.

Initially a "deferred dismantling strategy" was chosen in 2001. However, the Bulgarian Government decided to change to an "immediate dismantling strategy" in 2006. The consequence of having changed the decommissioning strategy is that funding must be available much earlier.

This situation called for Community solidarity in response: the country has nuclear reactors for which early shutdown commitments were negotiated at the time of accession and included in the Act of Accession that entered into force on 1 January 2007.

The support to Bulgaria ends in 2009, whereas in the case of Lithuania and Slovakia the support runs until 2013. For equal treatment the proposed extension of support for Bulgaria shall cover the period 2010 – 2013.

IMPACT ASSESSMENT: not applicable.

CONTENT: The main objective of this proposal is to **extend the support to Bulgaria** to accompany and to ascertain the safe maintenance and decommissioning of the Kozloduy nuclear power plant units 1 - 4. It aims to establish the **legal framework to enable Community support** to be provided from 1 January 2010 to 31 December 2013.

Therein the specific objective is the advancement in the approved decommissioning plan. This includes the safe maintenance, the actual physical decommissioning and dismantling of the nuclear power plant – units 1 to 4 – as well as the waste treatment. At the same time it contributes to mitigate social/economic impacts of the early closure by continuously employing the staff from the closed nuclear power plant. This is important to maintain a sufficiently high safety standard after the closure.

In the non-nuclear window, security of supply needs to be assured after the shutdown, as well as sufficient replacement capacity for the closed down capacity.

The **continuation of the financial support** is vital to keep the safety up to the required standards. Safety could be compromised by losing the necessary expertise, an international best practice to use to a large extend own staff, a clear risk if no adequate funding is available over the next years to maintain this expertise and to progress with the dismantling works.

A €300 million financial envelope: to meet the above mentioned objectives and taking into consideration the absorption capacity evaluated in the light of the assistance given during the current period, a total Community contribution of **additional €300 million** will enable Bulgaria to progress in decommissioning and to mitigate the consequences of the early closure. The extension of financial support is of course related to the immediate dismantling of all four units. The amount of the appropriations allocated to the Kozloduy Programme may be reviewed in the course of the period from **1 January 2010 to 31 December 2013** to take account of the progress made with the implementation of the programme and to ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity.

The Community contribution to the Kozloduy programme shall be granted for the purpose of providing financial support for measures connected with:

- the decommissioning of the Kozloduy 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 four reactors at the Kozloduy Nuclear Power Plant;
- 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 Bulgaria;
- enhancing security of supply and energy efficiency in this country.

Implementation: as under the current support, the additional support will be committed through an annual Commission Decision on Financing fixing the amount of the annual contribution as well as the objectives of the use of the funds detailed in the annually updated Combined Programming Document annexed to the Commission Decision on Financing. The continuation of the current implementation route for the financial Community assistance would lead to an additional Community contribution to the Kozloduy International Decommissioning Support Funds administrated by the EBRD.

BUDGETARY IMPLICATIONS: the specific budget line, 060505, has been created and is used for financing the international decommissioning support programmes under the Financial Perspective 2007-2013, specifically up to 2009 for Bulgaria. Financial assistance for the period 2010-2013 for Bulgaria should also be accommodated through this budget line. Accordingly the additional €300 million should be made available for the budget line 060505.

Nuclear safety: financial assistance to decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria, 'Kozloduy Programme'

2009/0172(NLE) - 13/07/2010 - Final act

PURPOSE: to lay down detailed rules for the implementation of Community's financial contribution of EUR 300 to address the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria.

LEGISLATIVE ACT: Regulation (Euratom) No 647/2010 of the Council on financial assistance of the Union with respect to the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria (Kozloduy Programme).

BACKGROUND: during the accession negotiations in 2005, Bulgaria agreed to the closure of Units 1 and 2 and Units 3 and 4 of the Kozloduy Nuclear Power Plant by 31 December 2002 and 31 December 2006, respectively and to the subsequent decommissioning of those units. The EU expressed its willingness to continue to provide financial assistance up to 2009 as an extension of the pre-accession aid planned under the Phare programme in

support of Bulgaria's decommissioning efforts. The Union recognises the effort made and the good progress achieved by Bulgaria in the decommissioning preparation stage of the Kozloduy Programme utilising the Union funds put in place until 2009, and the need for further financial support beyond 2009 in order to continue the progress with the actual dismantling operations.

CONTENT: this Regulation establishes a programme (the 'Kozloduy Programme') laying down detailed rules for the implementation of the Union's financial contribution to address the further process of the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria and the consequences of their early closure, with regard to the environment, the economy and the security of supply in the region.

Purpose of Community contribution : the Union contribution to the Kozloduy programme shall be granted for the purpose of providing financial support for:

- measures connected with the decommissioning of the Kozloduy 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 four reactors at the Plant, and
- other measures which stem from the decision to close and decommission the Plant and which contribute to the necessary restructuring, upgrading of the environment and modernisation of the energy production, transmission and distribution sectors in Bulgaria as well as to enhancing security of supply and energy efficiency in Bulgaria.

Financial contribution: the financial reference amount for the implementation of the Kozloduy Programme for the period from 1 January 2010 to 31 December 2013 shall be EUR 300 million. The amount of the appropriations allocated to the Kozloduy Programme may be reviewed in the course of the period from 1 January 2010 to 31 December 2013 to take account of the progress made with the implementation of the Programme and to ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity. Financial assistance for measures under the Kozloduy Programme shall be made available as a Union contribution to the Kozloduy International Decommissioning Support Fund, managed by the EBRD, in line with the Financial Regulation.

The contribution for certain measures may amount to up to 100 % of the total expenditure. However, every effort shall be made to continue the co-financing practice established under the pre- accession assistance and the assistance given over the period 2007-2009 for Bulgaria's decommissioning effort as well as to attract co-financing from other sources, as appropriate.

Commission audit: the Commission may cause an audit of the use made of the assistance to be carried out, either directly by its own staff or by any other qualified outside body of its choice. Such audits may be carried out throughout the duration of the agreement between the Union and the EBRD on making Union funds available to the Kozloduy International Decommissioning Support Fund and for a period of 5 years from the date of payment of the balance. Where appropriate, the audit findings may lead to recovery decisions by the Commission. Commission staff and outside personnel authorised by the Commission shall have appropriate right of access needed in order to conduct such audits.

Evaluation: the Commission shall ensure the implementation of the Regulation and shall report at regular intervals to the European Parliament and the Council.

ENTRY INTO FORCE : 11 August 2010.

Nuclear safety: financial assistance to decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria, 'Kozloduy Programme'

2009/0172(NLE) - 20/05/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 518 votes to 17 against with 73 abstentions a resolution on the proposal for a Council regulation on Community financial assistance with respect to the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria - 'Kozloduy Programme'

Financial margin remaining to finance the decommissioning of the Bulgarian Power Plant: Members consider that the proposal is compatible with the ceiling for subheading 1a of the multiannual financial framework (MFF) for 2007-2013 but that the margin remaining in subheading 1a for 2011-2013 is very limited. They stress that the funding of new activities must not jeopardise existing programmes and initiatives under subheading 1a. Parliament reiterates its call, therefore, for the presentation of a multiannual strategy for the Kozloduy decommissioning programme, as well as for other political priorities under subheading 1a, in the context of the mid-term review of the current MFF, accompanied by concrete proposals to adjust and revise it before the end of the first semester of 2010 by using all mechanisms available under the Interinstitutional Agreement (IIA) of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (IIA of 17 May 2006), particularly those in points 21 to 23.

The main amendments are as follows:

Funding: new recitals note that provision should be made for a sum of EUR 300 million from the general budget of the EU to fund the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant over the period from 2010 to 2013. Of this sum, **EUR 180 million** should be used to support the decommissioning programme and the remaining EUR 120 million to fund both energy efficiency and savings measures. In view of the Commission Ex Ante Evaluation of 27 October 2009, EUR 180 million of the funds is intended to assist the following projects: (1) project management, technical assistance for the support of the implementation of the decommissioning programme; (2) the provision of salaries for experts (operation, maintenance, technical support, project management) at the Kozloduy site, working for the decommissioning of Units 1-4; (3) contribution to the construction of the National Radioactive Waste Disposal Facility, crucial for the implementation of the decommissioning programme, in particular for the storage of low

and intermediate level waste in the first 10 years of implementation; (4) site infrastructure and treatment of dismantled waste (including additional allocation for projects already in the tendering process). The improvement of site infrastructure may only comprise measures relating to the decommissioning of Units 1-4.

Purpose: the text now states that the Community contribution to the Kozloduy Programme shall be granted for the primary purpose of providing financial support for measures connected with the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant. It shall also be directed at measures for environmental upgrading in line with the acquis and for modernising production capacity to replace the production capacity of the four reactors at the Kozloduy Nuclear Power Plant and other measures which stem from the decision to close and decommission those units and which contribute to the necessary restructuring, upgrading of the environment and modernisation and strengthening of the energy production, transmission and distribution sectors in Bulgaria as well as to enhancing security and a higher standard of supply, energy efficiency and use of renewable energy in Bulgaria, while encouraging energy-saving measures and promoting renewable energies. Financial support can also be provided in order to mitigate the socio-economic transition in the affected communities, for example through developing new sustainable jobs and industries.

Review: the amount of the appropriations allocated to the Kozloduy Programme shall be reviewed in the course of the period from 1 January 2010 to 31 December 2013 to take account of the progress made with the implementation of the programme, and to take account of the long-term impacts on, and consequences for, the environment, economy and security of supply as a result of the early closure of Units 1 to 4 of the Kozloduy Nuclear Power Plant, and to ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity.

Audit: Members clarify that the funding of audits and any other assessments falls outside the scope of the budget for decommissioning assistance. They state that the audits shall also cover the stage reached in the issuing of permits for decommissioning.

Rights of access: Members specify that the European Parliament as well as the Court of Auditors shall enjoy the same rights, especially of access, as the Commission.

Ex-post evaluation: the Commission shall carry out a mid-term evaluation and an ex-post evaluation, and report on them both to the European Parliament. The ex-post evaluation shall contain a complete and precise budget of the costs for decommissioning a nuclear power plant so as to plan for future decommissioning expenditure. It shall also analyse the economic, social and environmental costs, focusing on the impact of residual free-radiation and consequences for security of supply.

Compliance assessment: a new clause states that the Commission shall perform a compliance assessment, in line with the internationally accepted standards of, at least, the EBRD accounting, audit, internal control and procurement procedures, before the signing of the contribution agreement.

Study on the disposal of all radioactive substances in Bulgaria: in the recitals, Members call for a study to be carried out by the Bulgarian Government relating to the safe final disposal of all radioactive substances involved in the decommissioning. As more progress is needed in Bulgaria with regard to the final disposal of irradiated fuel elements and highly radioactive waste, and as the final disposal of all radioactive substances resulting from the closure of Kozloduy nuclear plant is a highly important process which needs to be carefully planned, Members consider that the Union should assist the Bulgarian Government in the process of identifying the final disposal solutions.

Members call for the activities related to the decommissioning of the Kozloduy Nuclear Power Plant to be carried out in line with the fundamental objective of protecting workers and the general public from the harmful effects of ionising radiation and in respect of the obligations laid down in international conventions that already provide for the necessary requirements in national, international, or trans-boundary contexts, such as the Aarhus Convention.

Nuclear safety: financial assistance to decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria, 'Kozloduy Programme'

2009/0172(NLE) - 13/07/2011 - Follow-up document

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 December 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.