



Council of the European Union  
General Secretariat

Brussels, 28 July 2016

CM 3543/16

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PROCED

### **COMMUNICATION**

#### **WRITTEN PROCEDURE**

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Subject: Proposal for a Council Decision on a proposal to establish the Energy Community list of energy infrastructure projects  
- Establishment of the European Union position  
- Outcome of the written procedure initiated by CM 3542/16

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Delegations and the Commission are hereby informed that the written procedure, opened by CM 3542/16 of 20 July 2016, was completed successfully on 27 July 2016.

In the light of the replies received, the Council adopts the Council Decision set out in document 11181/16, and approves the political position of the European Union set out in document 11228/16.

The Council also decides that the European Parliament be informed of the adoption of the Council Decision and that its text be transmitted to the European Parliament.

Delegations will find in Annex two statements for the Council's minutes issued by Austria and Germany.

**STATEMENT BY AUSTRIA**

Without prejudice to the fact that Member States of the European Union (Art. 194(2) TFEU) and the Contracting Parties of the Energy Community (Art. 8 of the Treaty establishing the Energy Community) can decide autonomously on energy sources for their energy supply, Austria is of the opinion that EU subsidies should be used only for safe and sustainable low-carbon technologies. Nuclear energy, however, is a high-risk, expensive technology, and consequently EU subsidies should not be used to build new nuclear power stations or expand existing ones, to extend their lifetime or to promote them, but, at most, to enhance their safety.

**STATEMENT BY GERMANY**

## Unilateral statement

On behalf of the Federal Republic of Germany, I hereby make the following unilateral statement on the abovementioned written procedure:

With regard to the Council Decision set out in Council document 11181/16, the response of the Federal Republic of Germany is 'yes', taking account of the condition/exception described below.

With regard to the political position of the European Union set out in Council document 11228/16, the response of the Federal Republic of Germany is 'no objection'.

In connection with these statements, the Federal Republic of Germany would emphasise the following: Both the Member States of the European Union (Article 194(2) TFEU) and the Contracting Parties to the Energy Community (Article 8 of the Treaty establishing the Energy Community) are free to determine which energy sources they use for their energy supply. EU funding, however, may only be used for safe and sustainable low-carbon technologies. Nuclear energy is a hazardous and costly high-risk technology. Consequently, EU funding may not be used to build new, or to develop existing nuclear power plants or to extend their operating lives, but at most to improve safety at the plants. Two of the proposed PMIs in question, i.e.

- 'Asynchronous Interconnection of ENTSOE system and Ukrainian electricity network via 750 kV OHL Khmelnytska NPP (UA) - Rzeszow (PL), with HVDC', and

- 'Rehabilitation of interconnection 750 kV OHL Pivdennoukrainska NPP (UA) - Isaccea (RO) and modernisation of 400 kV OHL Primorska (UA) - Isaccea (RO)'

would in Germany's view serve indirectly to finance nuclear power plants. They entail, among other things, the indirect funding of further construction work on two incomplete nuclear power plant blocks in Khmelnytskyi, Ukraine. Consequently, Germany cannot lend its political support to either PMI and opposes their funding from EU sources at any stage.