



Council of the
European Union

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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: European Court of Auditors' Special Report No 22/2016 "EU nuclear decommissioning assistance programmes in Lithuania, Bulgaria and Slovakia: some progress made since 2011, but critical challenges ahead"
= Draft Council conclusions

Delegations will find in Annex a revised draft of the Council conclusions on the above-mentioned subject, integrating comments received from delegations. Changes compared to the previous version, doc. 12461/1/16 REV 1, are marked in **bold underline**, deletions are marked with ~~strikethrough~~.

The Presidency intends to finalise the draft Council conclusions at the Working Party on Atomic Questions on 30 November 2016. Therefore, the Presidency kindly requests that if delegations have any further comments on the attached revised draft, these should be sent in writing before 30 November if possible.

Draft Council conclusions on the European Court of Auditors' Special Report No 22/2016 "EU nuclear decommissioning assistance programmes in Lithuania, Bulgaria and Slovakia: some progress made since 2011, but critical challenges ahead"

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the European Court of Auditors' Special Report No 22/2016 "EU nuclear decommissioning assistance programmes in Lithuania, Bulgaria and Slovakia: some progress made since 2011, but critical challenges ahead";
2. UNDERLINES the Court's finding that tangible progress has been made in decommissioning the nuclear power plants of Ignalina in Lithuania, Kozloduy in Bulgaria and Bohunice in Slovakia since 2011, when the Court's previous special report on nuclear decommissioning was published¹;
3. RECALLS that the premature closure and subsequent decommissioning of eight Soviet-designed nuclear reactors at three nuclear power plants in Lithuania, Bulgaria and Slovakia was one of the conditions for accession to the EU, and further UNDERLINES the fact that this condition entails a significant financial burden based on which the EU agreed to provide financial assistance;
4. TAKES NOTE of the conclusions and recommendations in the Special Report;

In particular:

¹ Special Report No 16/2011 "EU financial assistance for the decommissioning of nuclear plants in Bulgaria, Lithuania and Slovakia: achievements and future challenges"

5. ACKNOWLEDGES the complex and long-term nature of the decommissioning process, the construction specificities of the nuclear power plants and the different stages reached in the dismantling processes in the three Member States benefitting from the EU nuclear decommissioning assistance programmes² and UNDERSCORES the Court's recommendation to reinforce project **management practices** ~~monitoring~~ and the own expertise of the three Member States;
6. RECOGNISES that the exchange of best practices and technical knowledge in the area of decommissioning **is ongoing** ~~has already begun~~, however could be still further improved, not only amongst the three Member States but also within the EU and beyond;
7. ~~WELCOMES~~ **NOTES** the Court's recommendation that the Commission and Member States should together explore ways and options for the disposal of spent fuel and high-level waste, **and ENCOURAGES the Commission to launch a debate with all relevant Member States on possible options** including ~~possible~~ regional and/or other EU-based solutions ~~in addition to the ongoing national projects~~, with due consideration of the safety and **public acceptance** ~~cost-effectiveness~~ of all the alternatives. **This initiative, however, shall under no circumstances jeopardize the ongoing national projects on the development of deep geological disposal facilities;**
8. NOTES the Court's recommendation that the three Member States should increase the level of national co-financing of the decommissioning costs during the 2014 -2020 financing period; and therefore INVITES the Commission to ~~determine~~ **identify** individual appropriate rates of national co-financing, in close cooperation with the three Member States ~~on equal terms~~ **based on the principle of equal treatment, and proportionate to the specificities of their decommissioning programmes**, and to define more clearly the "well-founded exceptional" conditions under which projects **measures** can be fully financed by the EU under the nuclear decommissioning assistance programmes;

² Hereafter: "the three Member States"

9. NOTES that any potential new EU funding beyond 2020 proposed by the Commission for nuclear decommissioning in the three Member States should include clear rules and **the** right incentives **to pursue decommissioning**, with regard to both financing and timing, **while UNDERSCORING the need for the effective use of EU financial resources;**
10. UNDERSCORES the need for adequate ~~support~~ **actions** for the decommissioning of the three nuclear power plants in the three Member States to ensure successful completion of the decommissioning processes whilst maintaining a high level of nuclear safety;
- ~~11. RECOGNISES the Court's recommendation to the Commission that the assessment as to whether the three Member States' financing and decommissioning plans fulfilled the *ex ante* conditionalities, should be completed and TAKES NOTE of the timeframe committed by the Commission to carry it out;~~
- 11.** NOTES **the Court's recommendation** that the accounting treatment of liabilities relating to nuclear decommissioning and final disposal of spent fuel should be **transparent and** in line with the relevant accounting standards, **taking into account existing accounting practices in the Member States;**
- 12.** LOOKS FORWARD to the Commission's report on the implementation of Council Directive 2011/70/Euratom. and ~~ENCOURAGES the Commission to launch a debate on options for disposal including regional and other EU-based solutions.~~
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