



Council of the  
European Union

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ATO 2

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION issuing directives to the Commission for the negotiation of amendments to the Convention on Nuclear Safety in the framework of a Diplomatic Conference of the Contracting Parties to that Convention

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## **COUNCIL DECISION**

**of...**

**issuing directives to the Commission for the negotiation of amendments  
to the Convention on Nuclear Safety in the framework of a Diplomatic Conference  
of the Contracting Parties to that Convention**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Article 2(h) of the Treaty provides for the establishment, with other countries and international organisations, of such relations as will foster progress in the peaceful uses of nuclear energy.
- (2) The Community is a Contracting Party to the Convention on Nuclear Safety ("the Convention") which was adopted on 17 June 1994 by a Diplomatic Conference convened by the International Atomic Energy Agency ("IAEA") at its headquarters from 14 to 17 June 1994 and which entered into force on 24 October 1996. The Community acceded to the Convention by means of Commission Decision 1999/819/Euratom<sup>1</sup>. The Convention entered into force for the Community on 30 April 2000.
- (3) All Member States of the Community are also Contracting Parties to the Convention.
- (4) The Convention has not been amended since its entry into force in 1996.
- (5) In response to the observed necessity to strengthen its effectiveness, the Contracting Parties to the Convention agreed in 2012 to start a review process with the aim of improving the overall Convention review process and, if needed, to update the provisions of the Convention.

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<sup>1</sup> Commission Decision 1999/819/Euratom of 16 November 1999 concerning the accession to the 1994 Convention on Nuclear Safety by the European Atomic Energy Community (OJ L 318, 11.12. 1999, p. 20).

- (6) Pursuant to Article 32(3) of the Convention, the Swiss Confederation submitted a formal proposal to amend Article 18 of the Convention for consideration at the Sixth Review Meeting held in Vienna from 24 March to 4 April 2014 ("the proposed amendment").
- (7) The Contracting Parties decided by a two-thirds majority to submit the proposed amendment to a Diplomatic Conference of the Contracting Parties to the Convention to be convened before April 2015, for further consideration.
- (8) The scope of the proposed amendment falls within the shared competence of the Community and its Member States.
- (9) Notwithstanding the right of Member States to participate in the negotiations, the Community should be fully represented in the negotiating process in respect of the proposed amendment with a view to ensuring that any such amendment to the Convention is compatible with the Treaty and its secondary legislation, in particular with Council Directive 2014/87/Euratom<sup>1</sup>,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations (OJ L 219, 25.7.2014, p.42).

*Article 1*

1. The Commission is hereby authorised to participate in negotiations, on behalf of the Community, during the Diplomatic Conference of the Contracting Parties to the Convention on Nuclear Safety, with regard to matters within the Community's competence and in respect of which the Community has adopted rules, on the proposed amendment to the text of the Convention, in accordance with the directives set out in the addendum. To this end, the Commission shall seek to coordinate the views of the Member States represented at the Diplomatic Conference of the Contracting Parties to the Convention through coordination meetings and shall report to the Council and/or the Working Party on Atomic Questions on the outcome.
2. The Council may review the content of the negotiating directives at any time.

*Article 2*

As the subject matter falls within the shared competence of the Community and of its Member States, the Commission shall cooperate closely with the Member States during the negotiation process, with a view to achieving unity in their international representation.

*Article 3*

This Decision is addressed to the Commission.

Done at ...,

*For the Council*

*The President*

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