



**COUNCIL OF
THE EUROPEAN UNION**

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**ATO 160
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ADDENDUM TO “I/A” ITEM NOTE

from: General Secretariat of the Council

to: Coreper/Council

No. Cion prop.: 17752/11 ATO 149 CADREFIN 159

Subject: Proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia
- Adoption

Statement by Slovakia:

"According to the article 3 of the Protocol No. 9 on unit 1 and unit 2 of the Bohunice V1 nuclear power plant in Slovakia which is attached to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded the European Union acknowledges that the decommissioning of the Bohunice V1 Nuclear Power plant will have to continue beyond the current financial perspective and that this effort represents for Slovakia a significant financial burden. Decisions on the continuation of EU assistance in this field after 2006 will take this situation into account.

Taking into account abovementioned article, the European Union decided to continue providing the assistance for the decommissioning of the Bohunice V1 nuclear power plant also during the upcoming financial perspective in 2014 - 2020.

Conditions on providing of this assistance would be enacted within the Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia.

Any assistance as set out in the Proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programme in Lithuania and in the Proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia provided in the future should be based on the principle of equal treatment and should be provided under equal conditions and in the same scale.

Respecting principles above, this assistance provided for the decommissioning of Nuclear Power Plants in Lithuania, Bulgaria and Slovakia by the European Union should continue until the very end of the decommissioning process.“

Statement by the Commission:

The Commission regrets the Council's decision to split its proposal for a Council Regulation on Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia and to replace the legal basis proposed by the Commission, namely Article 203 EURATOM, by Protocol No. 4 and Article 56 of the 2003 Act of Accession for the continued assistance to the Ignalina programme in Lithuania.

The Commission considers that the appropriate legal basis for this proposal, for all three Member States, is Euratom Treaty Article 203 given that the Commission proposal is focused on ensuring nuclear safety and not on alleviating the economic burden on the affected Member States and provides for the equal treatment of all beneficiary Member States. However, given the opinion expressed by the European Parliament for the use of Accession Protocol No. 4 as legal basis for the Ignalina programme and considering the importance of the timely adoption of this legislation on Union support for the nuclear decommissioning assistance programmes in Bulgaria, Lithuania and Slovakia aiming at increasing nuclear safety in the EU, the Commission does not oppose the change of the legal basis and the split of the proposal into two separate legal instruments based on the following understanding:

Accession Protocols are not appropriate instruments to be used in the long term as legal basis for EU financial legislation. Therefore, the use of Protocol nr 4 as legal basis for the current proposal for decommissioning support for the Ignalina programme between 2014 and 2020 does not constitute a precedent and does not prejudice in any way the next Multiannual Financial Framework post 2020. The Commission recalls its right to initiate or not legislation on this matter, if appropriate, according to the legal basis it considers applicable. The Commission confirms therefore that it retains its full discretion to propose or not any further legal instrument.

Furthermore, based on the principle of equal treatment of all three Member States which are included in the Commission's proposal, it is clear to the Commission that the scope of the actions to be financed under the Regulation for the Ignalina programme is limited to ensuring nuclear safety by means of dismantling and decommissioning activities and actions only.
