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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the adoption of the 2020-2023 high flux reactor supplementary research programme at Petten to be implemented by the Joint Research Centre for the European Atomic Energy Community

COUNCIL DECISION (Euratom) 2020/...

of ...

**on the adoption of the 2020-2023 high flux reactor
supplementary research programme at Petten to be implemented
by the Joint Research Centre for the European Atomic Energy Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof,

Having regard to the proposal from the European Commission,

After consulting the Scientific and Technical Committee,

Whereas:

- (1) The high flux reactor at Petten ('HFR') has been an important resource for Community research on materials sciences and testing, on nuclear medicine and on nuclear reactor safety.
- (2) The operation of the HFR has been supported by a series of supplementary research programmes. The last supplementary research programme, which was established under Council Decision (Euratom) 2017/956¹ for a four year term, expired on 31 December 2019.
- (3) Considering its continued importance as an irreplaceable infrastructure for Community research in the fields of improvement of nuclear reactors safety, health (including the development of medical isotopes for medical research), nuclear fusion, fundamental research, training, and waste management (including the possibility to study the safety behaviour of nuclear fuels for reactor systems of interest to Europe), the HFR should continue to be supported by a supplementary research programme until the end of 2023.

¹ Council Decision (Euratom) 2017/956 of 29 May 2017 on the adoption of the 2016-2019 high flux reactor supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community (OJ L 144, 7.6.2017, p. 23).

- (4) Due to their special interest in the irradiation capabilities of the HFR, the *NRG: Nuclear Research and consultancy Group V.O.F ('NRG')* and the *Commissariat à l'énergie atomique et aux énergies alternatives ('CEA')*, as implementing agents for the Netherlands and France, respectively, have agreed to finance the entire 2020-2023 HFR supplementary research programme through contributions to the general budget of the Union by way of assigned revenue.
- (5) Those contributions should finance the operation of the HFR in order to support a research programme and the regular operation and maintenance of the HFR. An official notification of definitive shutdown by the operator NRG to the Dutch national regulatory authority prior to the declaration of a safe conservation state should result in the suspension of payments that remain to be effected and in the suspension of any calls for funds by the Commission.
- (6) In order to ensure continuity between the supplementary research programmes and the smooth operation of the 2020-2023 HFR supplementary research programme, this Decision should apply from 1 January 2020. Part of the contributions under the 2020-2023 HFR supplementary research programme should be permitted to cover expenditure made during the year 2020.

- (7) The Board of Governors of the Joint Research Centre provided its prior opinion¹ pursuant to Article 4(2) of Commission Decision 96/282/Euratom².

HAS ADOPTED THIS DECISION:

¹ Opinion of 18.12. 2019.

² Commission Decision 96/282/Euratom of 10 April 1996 on the reorganization of the Joint Research Centre (OJ L 107, 30.4.1996, p. 12).

Article 1

The supplementary research programme on the operation of the High Flux Reactor at Petten ('HFR') ('the programme'), the objectives of which are set out in Annex I, shall be adopted for a period of four years, starting on 1 January 2020.

Article 2

The costs for the execution of the programme, estimated at EUR 27 854 000, shall be financed entirely out of contributions from the Netherlands and France, through the NRG and CEA, respectively. The breakdown of this amount is set out in Annex II. This contribution shall be considered as assigned revenue in accordance with Article 21(2), point (a)(i), of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council¹.

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Article 3

1. The Commission shall be in charge of the management of the programme. To this end, it shall call upon the services of the Joint Research Centre.
2. The Commission shall keep the Board of Governors of the Joint Research Centre informed of the implementation of the programme.

Article 4

In the event that the NRG officially notifies the definitive shutdown of the HFR to the Dutch national regulatory authority, prior to the declaration of a safe conservation state, the obligations on the part of the Netherlands and France, through the NRG and CEA, respectively, to make further payments shall be suspended as shall any calls for funds by the Commission under this Decision.

Article 5

The Commission shall submit a final report on the implementation of this Decision to the European Parliament and to the Council after the end of the programme.

Article 6

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2020.

Article 7

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President

ANNEX I

SCIENTIFIC AND TECHNICAL OBJECTIVES

The main objectives of the programme are the following:

- (1) to ensure the safe and reliable operation of the HFR in order to guarantee the availability of the neutron flux for experimental purposes;
 - (2) to allow an efficient use of HFR by research institutes in a broad range of areas: improvement of safety of nuclear reactors, health (including the development of medical isotopes), nuclear fusion, fundamental research and training, and waste management (including the possibility to study the safety issues of nuclear fuels for reactor systems of interest to Europe).
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ANNEX II

BREAKDOWN OF THE CONTRIBUTIONS

The contributions to the programme come from the Netherlands and France.

The breakdown of those contributions is the following:

The Netherlands: EUR 26 654 000;

France: EUR 1 200 000;

Total: EUR 27 854 000.

Those contributions shall be made to the general budget of the Union and shall be assigned to this programme. Part of the contributions under the present supplementary programme may also cover expenditure made in respect of the operation of the HFR during the year 2020 in accordance with the work programme to be agreed upon among contributing Member States and the Commission.

Those contributions are firm and not revisable as regards to the variations related to operational, maintenance and decommissioning costs.