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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 17087/23 +ADD1
Subject:	Proposal for a COUNCIL DECISION approving a Commission Regulation (Euratom) on the application of Euratom safeguards - Adoption

1. On 21 December 2023, the Commission presented a proposal for a Council Decision approving a Commission Regulation (Euratom) on the application of Euratom safeguards¹, with Article 79 of the Euratom Treaty as a legal basis. The aim of its sole Article is to approve a Commission Regulation on the application of Euratom safeguards. This Regulation will be supplemented in due course by Commission Guidelines to bring further clarity to operators on certain operational elements. These Guidelines will be discussed with the Member States in the Working Party on Atomic Questions.
2. The new Commission Regulation will update and repeal Regulation (Euratom) No 302/2005. The revised rules concern reporting by users of nuclear material in the EU within the framework of the Euratom safeguards supervisory system, as provided for in the Euratom Treaty, taking into account the developments in recent years in the nuclear sector and in information technology. Their aim is to ensure the continued effectiveness and efficiency of Euratom safeguards in guaranteeing the peaceful use of nuclear materials in the Community.

¹ 17087/23 + ADD 1

3. The proposed changes introduce updated definitions to improve coherence and clarity, provisions for safeguards-by-design, templates for providing technical information for new types of nuclear installations, additional requirements for electronic reporting, and a more graded approach to reduce the burden for operators.
4. The proposal was examined at the meeting of the informal videoconference of the members of the Working Party on Atomic Questions on 10 January 2024 and at the meetings of the Working Party on Atomic Questions on 6, 20 and 29 February 2024, 14 and 19 March 2024, 10 and 25 April 2024 and 28 May 2024. The proposal was examined at technical level for the last time at the meeting of the informal videoconference of the members of the Working Party on Atomic Questions on 11 June 2024.
5. On the basis of these discussions and further to Member States' written comments, the Belgian Presidency prepared a revised text of the draft Council Decision (with the draft Commission Regulation in annex). On 24 June 2024, the Council reached a political agreement² on this revised text and decided to enter a joint Council/Commission statement in the Council minutes with a view to its publication in the Official Journal.
6. Against this background, the Permanent Representatives Committee is invited to:
 - agree on the text of the Council Decision (as finalised by the legal-linguistic experts) as set out in doc. 11949/24 and of the joint statement by the Council and the Commission as set out in doc. 5443/25 ADD 1,
 - recommend that the Council adopt the Decision as set out in doc. 11949/24 and the joint statement by the Council and the Commission as set out in doc. 5443/25 ADD 1 as an 'A' item.

² 10891/24