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PROPOSAL

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	Proposal for a COUNCIL REGULATION establishing the Instrument for Nuclear Safety Cooperation and Decommissioning for the period 2028-2034 and repealing Regulations (Euratom) 2021/100 and (Euratom) 2021/948

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2025/0265 (CNS)

Proposal for a

COUNCIL REGULATION

establishing the Instrument for Nuclear Safety Cooperation and Decommissioning for the period 2028-2034 and repealing Regulations (Euratom) 2021/100 and (Euratom) 2021/948

{SWD(2025) 254 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

This explanatory memorandum accompanies the Commission proposal for a Council Regulation (Euratomestablishing the Instrument for Nuclear Safety Cooperation and Decommissioning for the period 2028-2034 ('INSC-D') [1]. The proposal is made in the context of the next Multiannual Financial Framework (MFF), as outlined in *The Road to the next Multiannual Financial Framework*[2]. This instrument is planned to enter into force in 2028 with the start of the next MFF[3].

Reasons behind the proposal

In an effort to streamline the commitments of the Euratom Community and to reduce the administrative burden for the adoption of the new proposal, this regulation merges the current following external and internal instruments:

(1) the Council regulation establishing the European Instrument for International Nuclear Safety Cooperation (INSC)[4], which targets EU nuclear and radiation safety cooperation with partner countries;

(2) the financial programmes for decommissioning of nuclear facilities and the management of radioactive waste[5][6], which target decommissioning activities in Bulgaria and Slovakia[7], as well as at the JRC sites in Geel, Ispra, Karlsruhe and Petten.[6]

The INSC-D proposal is motivated by two main factors: 1) the Commission's firm intention to continue the current INSC during the next MFF; 2) legal obligations to continue the ongoing JRC decommissioning works. In line with this, the planned activities of the new instrument continue those practised in the current INSC and in the JRC nuclear decommissioning and waste management programme (NDWMP). Some small changes have also been introduced to leverage the lessons learned during implementation of the 2021-2027 MFF, to follow recent developments in nuclear technology, and to better accommodate possible changes in future context and EU priorities.

The external and internal components remain distinctive where necessary to allow clarity in allocation of resources and to consider the different needs. The Instrument's external component of the Instrument will complement Global Europe, and its internal component will pursue the objectives of the JRC's current NDWMP.

Problems the proposal is expected to tackle

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1 Proposal for a Council (Euratom) Regulation establishing the Instrument for Nuclear Safety Cooperation and Decommissioning for the period 2028-X, 16.5.2025.

2 The road to next multiannual financial framework, Strasbourg, 11.2.2025, COM(2025) 46 final.

3 Communication COM(2025) 570: A dynamic EU Budget for the priorities of the future – The Multiannual Financial Framework 2028-2034: 26ff3426-b1db-44d5-ad9c-a646febb3222_en.

4 Council Regulation (Euratom) 2021/948 of 27 May 2021 – European Instrument for International Nuclear Safety Cooperation complementing the NDICI – GE on the basis of the Euratom Treaty.

5 Council Regulation (Euratom) 2021/100 of 25 January 2021 establishing a dedicated financial programme for the decommissioning of nuclear facilities and the management of radioactive waste.

6 Council Regulation (EU) 2021/101 of 25 January 2021 establishing the nuclear decommissioning assistance programme of the Ignalina nuclear power plant in Lithuania.

7 For these decommissioning programmes there are no new Commitment Appropriations foreseen but only Payment Appropriations.

Ensuring high-level nuclear safety, as well as adequate radiation protection of the public and the personnel exposed to occupational radiation has always been a priority for the European Union. Since large-scale nuclear accidents may have transboundary impacts, and radioactive contamination may disperse over several countries, Euratom has consistently pursued nuclear safety cooperation with partner countries, especially with those located in the geographical proximity but also beyond.

The instrument for nuclear safety cooperation and decommissioning contributes to enhancing nuclear and radiation safety in partner countries to ensure nuclear safety for EU citizens and to protect the environment. It is of direct interest to the Community, as reducing the potential threat of nuclear or radiation accidents in non-EU countries increases nuclear safety and security in the EU and global reassurance on the peaceful uses of nuclear energy.

The Euratom Treaty established the Joint Nuclear Research Centre (which has now become the JRC) as a research institute responsible for implementing nuclear research programmes and other tasks assigned by the Commission. The JRC currently owns nuclear research facilities in four Member States, namely in Geel (Belgium), Karlsruhe (Germany), Ispra (Italy) and Petten (The Netherlands). Some of these facilities are permanently shut down, while others are still in operation. The JRC is responsible for the safe management of spent nuclear fuel and radioactive waste in these facilities in line with the corresponding European Directive[8] and with the relevant regulations in the host countries.

The European Commission is liable for decommissioning the disused nuclear installations in line with decommissioning plans submitted to the nuclear safety authorities of the respective host Member States. This work is in progress and the instrument's internal component aims to continue and advance the activities and to disseminate valuable knowledge acquired during the process of decommissioning and handling radioactive waste, both at JRC sites and under Nuclear Decommissioning Assistance Programmes (NDAP)[9], to all EU Member States.

Thus, the new instrument seeks to fulfil two-fold requirements under the legal basis of the Euratom Community.

Main objectives

External component: to promote high levels of nuclear safety, radiation protection, safe management of spent nuclear fuel and radioactive waste and the application of efficient and effective safeguards in partner countries. This objective will be achieved by transferring EU-related expertise and best practice to the key stakeholders in partner countries, including by building partnerships with nuclear regulatory authorities and their technical support organisations.

Internal component: to pursue the decommissioning of the Commission's nuclear installations at the relevant JRC sites, in line with the needs identified in the respective decommissioning plans, and to safely manage the associated spent fuel, nuclear material and radioactive waste.

Institutional background

European engagement to support international nuclear safety cooperation started between 1991-2006, after the Chernobyl accident with the 'Technical Assistance to the Commonwealth of Independent States'. Over more than three decades, considerable expertise

[8] Council Directive 2011/70/Euratom of 19.7.2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste. (OJ L 199, 2.8.2011, p. 48, ELI: http://data.europa.eu/eli/dir/2011/70/oj).

[9] OJ L 236, 23.9.2003, p. 944; OJ L 157, 21.6.2005, p. 29. OJ L 157, 21.6.2005, p. 11. OJ L 236, 23.9.2003, p. 33.

and experience encompassing the complete field of nuclear safety has been accumulated at various EC institutions and in expert organisations within the Euratom Community.

With regard to the case of the Instrument's internal component, the European Commission established a decommissioning programme in 1999 to address the legacy from past and ongoing nuclear research activities. Since then, a dedicated directorate with a specific programme coordinates the decommissioning activities at all the JRC sites. This proposal envisages making good and effective use of the relevant institutional knowledge in the next MFF period. The JRC has initiated a knowledge management programme under the current MFF to share experience and know-how accumulated during ongoing decommissioning activities financed by the EU at JRC sites, in Lithuania, Slovakia and Bulgaria.

- **Consistency with existing policy provisions in the policy area**

Relevant existing policy provisions

The external component provides an enabling framework through which external action policies and international obligations concerning nuclear and radiation safety can be implemented in cooperation with partner countries. In this sense, it is an adapted continuation of the European Instrument for International Nuclear Safety Cooperation (INSC) under Regulation (Euratom) 2021/948. The external component will therefore complement the 'Global Europe' neighbourhood, development and international cooperation instrument and continue to pursue the following objectives:

- promotion of a high level of nuclear safety and radiation protection;
- promotion of the safe management of spent nuclear fuel and radioactive waste;
- promotion of efficient and effective safeguards of nuclear materials.

The proposal for the external component includes the following enhancements compared to the current INSC:

- ensuring support for the safe use of innovative technologies (such as small modular reactors) following possible and predicted developments in applications of nuclear technology;
- providing a fast and proper response in exceptional cases (including war situations);
- extending the scope of support to nuclear power plant operators;
- increasing support for enhancing emergency preparedness and response capabilities;
- increasing support for environmental remediation activities, to contribute more to the global efforts to protect the environment;
- enabling a more comprehensive implementation approach, including in the selection of aid procedures and beneficiaries of cooperation.

The INSC-D's internal component aims to continue and advance the JRC's ongoing decommissioning activities. In this sense, it can also be considered as the direct continuation of the JRC's current NDWMP under Regulations (Euratom) 2021/100. Therefore, it will pursue objectives similar to those of the current NDWMP, including the dissemination of obtained know-how on decommissioning to the EU Member States.

- The proposal also contains a new item for the internal component: a concrete timeline for the negotiations with the Member States concerned on the potential transfer of nuclear liability from the JRC to the host Member State.

Timing of the proposal

The external component will replace the INSC in 2028, to ensure a seamless continuation of related activities.

The internal component of the INSC-D will replace the JRC's NDWMP, to ensure the seamless continuation of JRC decommissioning activities.

- **Consistency with other EU policies**

When implementing this Regulation, consistency with other areas of external action and with other relevant EU policies will be ensured. As reflected in the United Nations 2030 Agenda for Sustainable Development[10] and consolidated by the European Green Deal[11], this includes taking into account the impact of all policies on sustainable development at all levels – nationally, within the EU, in other countries, and at a global level.

Synergies with actions under other EU programmes will be sought to maximise the impact of the interventions. Actions funded under the external component of this proposal should be consistent and complementary to those carried out under Global Europe[12], the Decision on the Overseas Association, including Greenland[13], as well as the common foreign and security policy.

The internal component intends to seek potential synergies at EU and international level in knowledge management and dissemination of valuable information obtained while implementing the JRC's NDWMP and nuclear decommissioning assistance programme in Lithuania, Slovakia and Bulgaria (NDAP). This will include active knowledge transfer to EU nuclear safety authorities, decommissioning operators and radioactive waste management organisations and cooperation with international organisations (e.g. the International Atomic Energy Agency and the OECD's Nuclear Energy Agency).

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of this proposal is Article 203 of the Treaty[14] establishing the European Atomic Energy Community ('the Community').

Article 203 of the Euratom Treaty[15] is the basis of the procedure for the antecedent legal instruments covering both the internal and the external component. It empowers the Council, acting on a proposal from the Commission and after consulting the European Parliament, is to take appropriate measures to pursue the objectives of the Euratom Community.

- **Subsidiarity (for non-exclusive competence)**

The EU does not have exclusive competence for nuclear safety cooperation with non-EU

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10 https://sdgs.un.org/2030agenda

11 The European Green Deal, COM(2019) 640 final, European Commission, Brussels, 11.12.2019.

12 Proposal for a Regulation of the European Parliament and of the Council establishing Global Europe, 2025/551, 16/07/2025. Global Europe - European Commission

13 Proposal for a Council (EU) Decision on the Overseas Association, including Greenland, DG XXX, xx.x.2025 (to be filled in when the proposal is ready).

14 Consolidated version of the treaty establishing the European Atomic Energy Community (2016/C 203/01), Official Journal of the European Union, 17.6.2016, C 203., p. 1, ELI: http://data.europa.eu/eli/treaty/euratom_2016/oj).

15 *If action by the Community should prove necessary to attain one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures.*

countries. Many EU Member States are not only signatories to relevant multilateral treaties under the umbrella of international organisations (e.g. the International Atomic Energy Agency, the UN or the OECD's NEA), but also have bilateral agreements with other countries on the peaceful use of nuclear energy. These agreements can comprise joint research and development activities or providing professional assistance in selected areas of nuclear technology. National nuclear safety regulators often have bilateral cooperation agreements with regulators in partner countries to promote regulatory information exchange and share experiences. Besides the World Association of Nuclear Operators, nuclear power plant operators usually cooperate with each other by means of international 'users' clubs' grouping the operators of a certain type of nuclear power plant to share operating experience and good practice.

- Despite this rich palette of multilateral and bilateral cooperation possibilities available to EU Member States, nuclear safety cooperation with partner countries under the EU and Euratom Community umbrella offers significant advantages and can provide added value. The EURATOM's status as a supranational community brings political influence, access to multilateral treaties aimed to address global challenges, and consequent leverage.
- A global presence is provided through the EU delegations, which ensure a network for obtaining first-hand and reliable information on developments affecting countries worldwide.
- The Community complements Member States activities in dealing with potentially dangerous situations or handling particularly expensive interventions.
- The Community can carry out interventions at larger scale, through coordinated efforts and beyond the possible contributions of individual Member States or other single donors. For large-scale, ambitious projects like remediation of uranium mining legacy sites in Central Asia, or actions to continue addressing the effects of the 1986 Chernobyl accident, common EU action creates efficiencies in coordinating funds.
- The Community can leverage the significant joint expertise and reputation of all its Member States combined.
- The Community makes it possible to fulfil EU legal obligations efficiently by decommissioning permanently shut down nuclear facilities at the JRC.

For the internal component, bilateral agreements may still play a special role. The European Commission will conduct bilateral negotiations with each affected host Member State (i.e. Belgium, Germany, Italy and the Netherlands) to determine whether the Member State would be prepared to voluntarily take over the involved JRC nuclear facility and continue implementing the decommissioning programme according to plans. If a host Member State were willing to enter into such an agreement, the European Commission would still fully finance the relevant decommissioning programme.

- **Proportionality**

Compliance with the proportionality principle

Under thethe proportionality principle, any Union action should not go beyond what is necessary to address the issue in question or meet the objectives outlined in the Treaties. In this respect, based on the results of various evaluations and available evidence, the INSC and the NDWMP in the current and previous MFF periods have proven to be efficient tools to cover the needs of partner countries and the European Commission, as well as the objectives of the EU in the area of international nuclear safety cooperation and decommissioning.

In line with the principle of proportionality, the proposed Regulation does not go beyond what is necessary to achieve its objectives as reflected in the prioritisation of activities and the budget allocated.

- Choice of the instrument

One of the objectives of the Euratom Treaty is to attain a high level of nuclear safety in the EU. This should also be achieved outside of the EU. Since the Euratom Treaty has not provided the necessary powers, appropriate measures must be taken on the basis of Article 203. The proposed instrument takes the form of a Regulation, ensuring its uniform application, binding nature in its entirety and direct applicability.

3. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex post* evaluations/fitness checks of existing legislation**

Evaluations for the previous and current instruments that will be covered by the INSC-D's external component for the MFF 2028-2034 included:

- an external mid-term review evaluating nine EU External Financing Instruments (EFIs) over the period from 2014 to mid-2017;[16]
- an independent *ex post* evaluation of INSC for the 2014-2020 period;[17]
- the *ex-ante* impact assessment of the INSC proposal for the 2021-2027 period;[18]
- the mid-term review of the INSC for the 2021-2027 period[19].

The most recent report on the mid-term review of the 2021-2027 external financial instruments was issued in March 2024. It summarises the results of two distinct procedures: 1) the final evaluation of the EFIs under the MFF 2014-2020 and 2) the mid-term review of the EFIs under the 2021-2027 MFF. The following descriptions focus on the results of the mid-term review for the 2021-2027 MFF period and the previous mid-term review performed in 2017.

All the above reports concluded that the external financing instruments were fit for purpose and the achievement of objectives was on track. The instruments set the scope, objectives and procedures for implementing the policies. The reports have also shown that the enabling nature of the EFIs allows covering most needs and goals of the EU external action.

- The regulation corresponding to the ongoing INSC[20] has slightly adjusted the scope and objectives of the instrument to emphasise transparency and cooperation with partner countries.
- There is a strong continuity between the INSC regulations corresponding to the previous and current MFF periods. Despite some new aspects introduced for the 2021-2027 period (e.g. striving for greater nuclear transparency in the partner countries), the basic logic of the instrument and the modes of operation remained practically unchanged.

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16 External evaluation of the INSC (2014 - mid 2017), GDSI Consortium, June 2017.

17 Evaluation of the INSC 2014-2020, Expert Facility for the INSC, Contract Nº 2020/419-010, LDK Consultants Global EEIG, December 2021.

18 Impact assessment accompanying the 'Proposal for a Regulation (EU) establishing a European Instrument for Nuclear Safety complementing the NDICI, SWD (2018) 337 final, Brussels, 14.6.2018.

19 Evaluation of the European Union's External Financing Instruments (2014-2020 and 2021-2027), Volume I: Synthesis Report and Volume II: Annexes, Particip GmbH Consortium, March 2024.

- Considering its main objectives (e.g. promoting nuclear safety culture in partner countries, etc.), the INSC is fully aligned with EU political principles and priorities.
- The ability to set common objectives with the partner countries was identified as an area of weakness.
- There is a discernible trend to plan and implement fewer, but larger actions and projects. It is also discernible for the INSC because the number of contracts has been steadily decreasing since 2014.
- The INSC results framework remained mainly output-oriented, in spite of repeated efforts to introduce an outcome- and impact-oriented framework.
- The INSC has repeatedly proven its high flexibility through rapidly initiated, adjusted, stepped-up or suspended cooperation with Belarus, Iran, and especially Ukraine, thanks to fast budget allocations, and agile coordination.

The report states that there could be possibilities for bringing the INSC more into alignment with the Instrument for Pre-Accession Assistance and the Neighbourhood, Development And International Cooperation Instrument – Global Europe (NDICI-GE), and vice versa.

Evaluation findings and the proposed new programme

Evaluation findings	**Proposed INSC-D**
As a worldwide instrument with a global outreach, the INSC positions the EU as a leading actor in nuclear safety and safeguards cooperation, both through bilateral partnerships and as part of the international architecture. *The INSC allows the EU to engage in policy-level dialogue with partner countries, particularly in the EU neighbourhood region, where nuclear safety issues may potentially have significant implications for the EU Member States and the security of European citizens.*	*Enabling instrument:* Based on lessons learned from the INSC, improvements are proposed to allow more flexibility and enable the EU to intervene in future unforeseen circumstances. These changes were motivated by the feedback provided during the mid-term review, recent technological developments in the peaceful use of nuclear energy, geopolitical changes in the past years and by efforts to improve the management and implementation of the instrument.
Streamlining instruments resulted in a simplified EFI structure and more unified programming processes, using unified multiannual indicative programme templates, etc. *The transition between the previous and currently ongoing EFIs was not seamless, because time pressure in 2021 and capacity constraints meant the EU prioritised progress in programming and delivery over introducing internal institutional changes. External*	*Further streamlining of the external financing instruments:* In the 2014-2020 MFF several independent EFIs operated under the Global Europe heading. When designing the 2021-2027 MFF, the Commission streamlined the EFIs to ensure better recognition of changed geopolitical realities and better management of related programmes. As the result of this simplification, 11 previously separate instruments were placed under the NDICI-GE. The INSC, as a special-purpose instrument with Euratom legal basis, stayed separate from

circumstances (e.g. final phase of COVID-19) further compounded the situation already stressed by high staff turn-over and lack of sufficient resources.	NDICI-GE. Further streamlining of EFIs is proposed in the next 2028-2034 MFF as Global Europe will build on NDICI-Global Europe, the IPA III instrument for pre-accession assistance, the Ukraine Facility, the Reform and Growth Facility for the Western Balkans, and the Reform and Growth Facility for the Republic of Moldova.
The evaluation confirmed that keeping the INSC as a separate instrument – due to its very specialised, technical nature and its different legal basis – was an adequate decision. *More consistency is needed between parts of a specific instrument, between different instruments, as well as with donors.*	*Merging INSC with JRC decommissioning:* The INSC is merged with JRC decommissioning. The proposed INSC-D merges two regulations into a single instrument. An external component will complement Global Europe and pursue similar objectives to the current INSC. An internal component will pursue the objectives of the JRC's nuclear decommissioning and waste management programme (NDWMP).

Recent evaluations performed for the JRC decommissioning programme

The JRC's internal audit service audited the NDWMP in 2024 and made six recommendations to improve the programme's implementation. The JRC submitted an action plan that was agreed and implemented to address all issues:

- JRC oversight arrangements (important);
- JRC internal organisation of NDWMP responsibilities (very important);
- decommissioning plans for the JRC sites (very important);
- cost estimates for decommissioning the JRC nuclear sites (very important);
- NDWMP budget flexibility needs (very important);
- human resources planning and allocation (important).

Stakeholder consultations

Open public consultation

In line with the respective rules, the Commission has carried out an open public consultation on the EU funding for external action under next MFF[20]. The results of this consultation for the INSC were as follows:

About 50% of the respondents were positive about the objectives of the INSC and agreed to a large extent or somewhat with the INSC objectives[21]. Only 13% of the respondents were completely against it and 27% did not have a definite (either positive or negative) opinion.

[20] Open Public Consultation, EU's next long-term budget (MFF) – EU funding for external action, 2025. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14522-EUs-next-long-term-budget-MFF-EU-funding-for-external-action_en

The above results indicate that most of the respondents support providing EU assistance to partner countries in the area of nuclear and radiation safety and safeguards.

Consultations with other stakeholders

Results synthesised from stakeholder consultations were used to complement the conclusions subtracted from documentary evidence. When drafting evaluation documents that constituted the basis of the 2021-2024 mid-term review report assessing EFIs, the following types of consultations with stakeholders were held:

- In-person and remote semi-structured interviews with about 350 key stakeholders, including staff from the European Commission (working in its Secretariat-General and Directorates-General such as International Partnerships, Neighbourhood and Enlargement Negotiations, Foreign Policy Instruments, etc.), from the European External Action Service, and from EU Delegations.
- External stakeholders such as representatives from UN agencies, EU Member States and partner country governments were also interviewed.
- The Commission organised targeted consultations with specific stakeholder groups, constituted by experts from EU Member States and representatives of relevant UN agencies and international financial institutions, among others.
- Three e-Surveys supplemented the above consultations, providing voluntary additional contributions mainly from the EU Delegations.

The main messages communicated by the stakeholders consulted are summarised in Annex III of Volume II of the mid-term review report. The details are not repeated here and for the sake of brevity only the most important points are quoted.

Stakeholders agreed that the EFIs should be more flexible in responding to crises and sudden changes in the geopolitical situation. It was also emphasised that a greater consistency must be ensured between the internal and external policies of the EU and between the EFIs themselves. The substantial contribution of the EFIs to the Sustainable Development Goals of the 2030 Agenda was generally acknowledged and it was pointed out that organising activities around the SDGs tend to increase consistency between internal and external policies.

The introduction of the new broad instrument (NDICI-Global Europe) in the current MFF was generally welcomed and further simplification of the overall architecture of the EFIs was encouraged. Addressing thematic dimensions in geographic programmes was also positively received and there was a general agreement that the combination of geographic and thematic programmes tends to bring positive results.

Consistency and complementarity of the INSC-D proposal with Global Europe will be ensured, primarily by implementing international cooperation activities related to the peaceful use of nuclear energy in areas that are ancillary to the broader objectives of Global Europe, in line with the development and international cooperation policy for health, agriculture, industry and social projects.

- **Collection and use of expertise for the INSC**

The three evaluation reports referred to before were prepared as part of independent assessments conducted between 2017 and 2024 by selected consortia consisting of distinguished external expert companies. In addition to documentary evidence, the

[21] These objectives were: support the strengthening of nuclear safety, radiation protection, radioactive waste management and nuclear safeguards with beneficiary countries located across the EU neighbourhood region and beyond.

assessments relied on extensive in-person and remote consultations, which also included a large number of European Commission staff members. Even though a considerable part of the information included in the evaluation reports directly from Commission employees, the reports reflect the conclusions of independent external experts and by no means be considered as Commission self-assessment reports.

All the above-mentioned assessment reports are publicly available.

As far as the opinion of relevant international professional organisations on the EU nuclear safety cooperation with partner countries is concerned, the 7th IAEA Convention on Nuclear Safety Review Meeting in 2017 officially acknowledged the outstanding added value of the INSC by declaring that '*the implementation of the instrument for nuclear safety cooperation programme for assisting non-EU countries was identified as a good practice*'[22].

During the past three decades, the Euratom Community systematically applied the INSC as an efficient tool to achieve and maintain a high level of nuclear safety, radiation protection and efficient safeguards in partner countries. The role of the INSC in transferring regulations and best practices of the Community has also been recognised by the European Nuclear Safety Regulators Group (ENSREG) in its position paper[23] on the INSC. The ENSREG also created a working group to comment on the INSC multiannual indicative programmes, review mid-term reports of the instrument, and make proposals on the necessity and feasibility of potential projects assisting partner countries.

Use of external expertise for the JRC decommissioning programme

The JRC's nuclear decommissioning and waste management programme underwent a mid-term evaluation in 2024. Its findings and recommendations[24] are as follows:

Findings

- Significant progress in stakeholder management has been seen at JRC sites.
- Safe retrieval, treatment and storage of historical wastes has progressed at JRC Ispra and Petten.
- Due to the time-dependent nature of many costs, project delays are synonymous with cost increases, although the 'earned value management' monitoring indicators show that the programme is overall financially efficient.
- The governance framework is fit for purpose and adapted to the objectives of the NDWMP.
- The implementation of the NDWMP is in line with the EU *acquis* and EU and national legislation and policies.
- Knowledge products have been produced in line with targets across all NPP sites.
- The knowledge management has encouraged the collaboration and the sharing of information among the three nuclear decommissioning assistance programmes.

22 Rapporteur's Report for Euratom of 29 March 2017 in the 7th Review Meeting under the Convention on Nuclear Safety.

23 ENSREG – INSC Position paper (2014-26)_133, https://www.ensreg.eu/international-cooperation.

24 Interim evaluation of the programmes for the decommissioning of nuclear facilities and the management of radioactive waste, European Commission Directorate-General for Energy, Revised Final Report and Annexes, April 2025.

Recommendations

- Anticipate and prepare the licensing demands through early engagement of the regulator to limit their impact on the programme's delivery.
- Improve the procurement organisational capacities.
- Develop and implement monitoring indicators to measure the impact of the use of the knowledge products developed within the NDWMP and NDAP.

- ***Ex ante* evaluation**

The Better Regulation Tool #9 states that 'programmes that provide continuity as regards their broad content and structure and are small' require only an *ex-ante* evaluation. As a result, comprehensive *ex ante* evaluation report[25] was prepared to accompany the INSC-D proposal analysing the effects of different policy options.

The analysis has shown that only one option[26] is able to satisfy all the relevant requirements. The impacts of past and ongoing nuclear safety cooperation components and the expected impact of the INSC-D in the partner countries can be summarised as follows:

- enhanced regulatory capacities and capabilities of the national nuclear regulator;
- creation or further development of a competent technical support organisation assisting the nuclear regulator;
- implementation of a national nuclear emergency response centre equipped with state-of-the-art accident diagnosis, prognosis and decision support tools;
- creation or further development of a national radiation monitoring system with early warning capabilities;
- provision of comprehensive training and tutoring to regulators and technical support organisation experts;
- participation in the EU stress-tests and the following ENSREG peer-review;
- remediation of legacy sites contaminated with radioactive material.

For JRC decommissioning activities, the implementation of the NDWMP effectively improved the nuclear and radiation safety at the JRC sites involved for the benefit of EU citizens and the environment.

It is expected that by continuing the NDWMP:

- the legal obligations and commitments of the EC will be duly fulfilled;
- the nuclear and radiation hazards at the involved JRC sites will be further reduced;
- the complete release of involved facilities from regulatory control will be achieved in the final programme implementation phase;

[25] *Ex ante* evaluation of a new instrument combining the current European Instrument for International Nuclear Safety Cooperation with the JRC decommissioning activities, SWD (2025) XXX, Brussels, June 2025.

[26] Option d) = merging with another EC instrument under the same legal basis.

- considerable technological know-how and practical knowledge will be created and shared with EU stakeholders involved in decommissioning and waste management.

For the internal component implementing the nuclear decommissioning and waste management programme, the JRC has started investigating the option of transferring the nuclear liability to the host Member States (Italy and the Netherlands). This has not yet been decided, but the option to negotiate this is included in the new basic act with a proposed deadline of two years after the entry into force of the Instrument.

The NDWMP gives the local economy opportunities to contribute to the implementation of the programme through participation in open call for tenders in the multi-faceted areas of expertise entailed by decommissioning and waste management. The opportunities that decommissioning activities offer help both skills development and social development. Moreover, decommissioning obsolete nuclear facilities and addressing radioactive waste management issues by applying the best international standards using state-of-the-art methodologies contributes to a safer and cleaner environment. The programme helps protect people and the environment from radioactivity-related hazards.

Explanation of policy choices

When developing the INSC-D proposal, several policy options were investigated.

Option A - the baseline (keep two separate instruments). This was rejected as contradicting the Commission's simplification goals.

Option B - ending the programme. This was rejected due to its high risk of diminishing EU influence in global nuclear safety cooperation and conflicting with Euratom's legal and political obligations.

Option C - full integration with another EU instrument. This was rejected due to legal barriers stemming from the Euratom Treaty, which prevented merging nuclear safety activities with, for instance, Global Europe.

Option D - merging the two Euratom instruments. This was selected as the preferred solution. It met all the requirements: aligning with the Euratom Treaty's legal framework, adhering to EU external action procedures, and advancing the Commission's simplification agenda. By consolidating international nuclear safety cooperation and JRC decommissioning obligations into a single instrument, this option ensured feasibility, consistency, and regulatory efficiency, making it the optimal choice for the INSC-D proposal.

- **Simplification**

The proposed INSC-D formally merges two previously separate regulations into a single instrument. This merger is motivated and justified by multiple strategic and regulatory factors, e.g. by the regulation simplification goals of the Commission and the Better Regulation agenda. According to the simplification principles for the next MFF, overlapping processes and potential administrative burdens should be eliminated by bringing together programmes which may require similar technical and/or logistical support.

This merger is made possible by the same legal basis (Euratom). The MFF simplification efforts aim at reducing complexity within the EU for better transparency and coordination and for creating a simpler regulatory and financial framework for stakeholders (agencies, Member States, contractors). The merger also aligns with the 'joined-up governance' principle of the

new European innovation agenda, promoting cross-agency collaboration over fragmented approaches.

Merging an instrument (the INSC) and a programme (NDWMP) that were initially separate, but which belong to the same legal basis and share common objectives, contributes to the simplification promoted by the European Commission.

- **Fundamental rights**

The instrument has no impact on fundamental rights.

4. BUDGETARY IMPLICATIONS

In its Communication of 16 June July 2025[27], the European Commission proposed to allocate EUR 966.000.000 to the INSC-D Instrument.

5. OTHER ASPECTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The implementation of the INSC-D will be monitored by means of the performance framework for the post-2027 budget. This framework provides for an implementation report during the implementation phase and a retrospective evaluation to be performed in accordance with Article 34(3) of Regulation 2024/2509[28]. The evaluation willmust be conducted in accordance with the Better Regulation Guidelines[29] and will be based on indicators relevant to the instrument's objectives.

The methodological rationale behind the use of a common performance framework is that applying performance indicators aggregated across programmes can considerably simplify the various reporting obligations for all future MFF programmes. It is anticipated that this approach will make it possible to significantly reduce the administrative burden by reducing the number of indicators and by attributing indicators to each intervention field.

- **Geographic scope**

The geographic scope of the external component of the proposed INSC-D is worldwide. However, priority will be given to persons and entities from acceding countries, candidate countries, including Ukraine, potential candidate countries, and European Neighbourhood Policy countries.

The geographic scope of the internal component is limited to the JRC sites involved in the JRC decommissioning activities, i.e. Geel in Belgium, Ispra in Italy, Karlsruhe in Germany and Petten in the Netherlands.

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27 A dynamic EU Budget for the priorities of the future - The Multiannual Financial Framework 2028-2034, COM(2025) 570 final.

28 Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (recast), Brussels, 26.9.2024.

29 Better Regulation Guidelines, SWD (2021) 305 final, Brussels, 3.11.2021.

2025/0265 (CNS)

Proposal for a

COUNCIL REGULATION

establishing the Instrument for Nuclear Safety Cooperation and Decommissioning for the period 2028-2034 and repealing Regulations (Euratom) 2021/100 and (Euratom) 2021/948

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament[30],

Whereas:

(1) The purpose of this Regulation is to establish the rules and the procedures for the nuclear safety cooperation and decommissioning activities carried out by the European Atomic Energy Community ('the Community') under the Instrument for Nuclear Safety Cooperation and Decommissioning (the 'Instrument').

(1) In order to maintain and promote the continuous improvement of nuclear safety and the regulation thereof, the Council adopted Directive 2009/71/Euratom[31]. That Directive and the high standards of nuclear safety, radiation protection, and radioactive waste and spent fuel management implemented in the Community are examples to be used in order to encourage partner countries to adopt similar high standards.

(2) The Community and its Member States are contracting parties to the Convention on Nuclear Safety adopted on 17 June 1994[32] and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management adopted on 5 September 1997[33].

(3) The Member States are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)[34], concluded a Comprehensive Safeguards Agreement and signed an Additional Protocol to that agreement with the International Atomic Energy Agency[35].

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30 Opinion of …, OJ ….

31 Council Directive 2009/71/ Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172 2.7.2009, p. 18, ELI: http://data.europa.eu/eli/dir/2009/71/oj).

32 OJ L 318, 11.12.1999, p. 21, ELI: http://data.europa.eu/eli/convention/1999/819/oj.

33 International Atomic Energy Agency (IAEA), Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, adopted 5 September 1997, entered into force 18 June 2001. Available at: https://www.iaea.org/topics/nuclear-safety-conventions/joint-convention-safety-spent-fuel-management-and-safety-radioactive-waste

34 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), opened for signature 1 July 1968, entered into force 5 March 1970, 729 U.N.T.S. 161. Available at: https://www.un.org/disarmament/wmd/nuclear/npt/.

(4) Since the Treaty establishing the European Atomic Energy Community ('the Euratom Treaty') covers both internal and external policies and provides for synergies between the two, this Instrument has two components addressing respectively external and internal activities.

(5) The Instrument's external component should support activities in international nuclear safety cooperation, building on the actions previously supported under Council Regulation (Euratom) 2021/948[36]. The external component is consistent with and complements the external action supported under Regulation (EU) 202X/XXXX [Global Europe]. [37]

(6) The Instrument's internal component should support activities in the area of the Commission's decommissioning and management of radioactive waste (the JRC decommissioning and waste management programme), addressing the Commission's nuclear liabilities coming from past nuclear research performed at the Joint Research Centre (JRC) sites, namely JRC-Geel in Belgium, JRC-Karlsruhe in Germany, JRC-Ispra in Italy and JRC-Petten in the Netherlands, building on the actions previously supported under Council Regulation (Euratom) 2021/100[38].

(7) Programme evaluations have shown that the complex Union funding architecture is a factor hindering the impact of the Union budget, due to administrative burden. Therefore, the activities carried out in the field of international nuclear safety cooperation and decommissioning of JRC nuclear research facilities under Regulations (Euratom) 2021/100 and (Euratom) 2021/948 should be regrouped to be governed by a single legal act.

(8) The general objective of the Instrument is to contribute to a high level of nuclear safety, radiation protection, safe management of spent fuel and radioactive waste, decommissioning and the application of efficient and effective safeguards of nuclear materials.

(9) This Regulation also aims to provide increased flexibility in the programming approach, including among aid modalities and eligible entities, to respond to unpredicted needs as identified across evaluations and consultations under Regulation (Euratom) 2021/948.

(10) Cooperation provided by the Community under this Regulation is not aimed at promoting nuclear energy in partner countries[39].

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35 Model Additional Protocol to the Agreement(s) Between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540), approved by the IAEA Board of Governors 15 May 1997. Available online in: INFCIRC/540 - Model Protocol Additional to the Agreement(s) Between State(s) and the International Atomic Energy Agency for the Application of Safeguards

36 Council Regulation (Euratom) 2021/948 of 27 May 2021 establishing a European Instrument for International Nuclear Safety Cooperation complementing the Neighbourhood, Development and International Cooperation Instrument – Global Europe on the basis of the Treaty establishing the European Atomic Energy Community, and repealing Regulation (Euratom) No 237/2014 (OJ L 209, 14.6.2021, p. 79, ELI: http://data.europa.eu/eli/reg/2021/948/oj).

37 Regulation (EU) .../... [Global Europe] of the European Parliament and of the Council establishing the Global Europe instrument (OJ, …, … ELI: …).

38 Council Regulation (Euratom) 2021/100 of 25 January 2021 establishing a dedicated financial programme for the decommissioning of nuclear facilities and the management of radioactive waste, and repealing Regulation (Euratom) No 1368/2013 (OJ L 34, 1.2.2021, p. 3, ELI: http://data.europa.eu/eli/reg/2021/100/oj).

39 Council Regulation (Euratom) 2021/948 of 27 May 2021 establishing a European Instrument for International Nuclear Safety Cooperation complementing the Neighbourhood, Development and

(11) This Regulation lays down an indicative financial envelope for the overall Instrument. For the purpose of this Regulation, current prices are calculated by applying a fixed 2% deflator.

(12) In a rapidly changing economic, social and geopolitical environment, recent experience has shown the need for a more flexible multiannual financial framework and Union spending programmes. To that effect, and in line with the objectives of this Regulation, the funding should duly consider the evolving policy needs and Union's priorities as identified in relevant documents published by the Commission, in Council conclusions and European Parliament resolutions while ensuring sufficient predictability for the budget implementation.

(13) Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council[40] applies to the Instrument. It lays down the rules on the establishment and the implementation of the general budget of the Union, including the rules on grants, prizes, non-financial donations, procurement, and indirect management in the form of financial instruments and budgetary guarantees.

(14) The amount of the appropriations allocated to the Instrument as well as the programming period and the distribution of funds among the various activities should be reviewed based on the results of the evaluation carried out pursuant to Article 10 of Regulation (EU, Euratom) 202X/XXXX of the European Parliament and of the Council [41][Performance Regulation].

(15) In accordance with Regulation (EU, Euratom) 2024/2509, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[42], Council Regulations (EC, Euratom) No 2988/95[43], (Euratom, EC) No 2185/96[44] and (EU) 2017/1939[45], the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulations (EU, Euratom) No 883/2013 and (Euratom, EC) No 2185/96, the European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-

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International Cooperation Instrument – Global Europe on the basis of the Treaty establishing the European Atomic Energy Community, and repealing Regulation (Euratom) No 237/2014 (OJ L 209, 14.6.2021, p. 79, ELI: http://data.europa.eu/eli/reg/2021/948/oj).

40 Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: http://data.europa.eu/eli/reg/2024/2509/OJ).

41 Regulation (EU) (EU, Euratom) .../... [Performance Regulation] (OJ, …, … ELI: …).

42 Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/883/oj).

43 Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p. 1,ELI: http://data.europa.eu/eli/reg/1995/2988/oj).)

44 Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292., 15.11.96, p. 2,ELI: http://data.europa.eu/eli/reg/1996/2185/oj)).

45 Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/1939/OJ).

spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other illegal activities affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council[46]. In accordance with Regulation (EU, Euratom) 2024/2509, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, EPPO and the European Court of Auditors and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

(16) The Instrument is to be implemented in accordance with Regulation (EU, Euratom) 202X/XXXX [Performance Regulation], which lays down rules for expenditure tracking and the performance framework for the budget, including rules for ensuring a uniform application of the principles of 'do no significant harm' and gender equality referred to in Article 33(2), points (d) and (f), of Regulation (EU, Euratom) 2024/2509 respectively, rules for monitoring and reporting on the performance of Union programmes and activities, rules for establishing a Union funding portal and rules for the evaluation of the programmes, as well as other horizontal provisions applicable to all Union programmes such as those on information, communication and visibility.

(17) The forms and methods of implementation of Union funding laid down in this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. That should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1), point (a), of Regulation (EU, Euratom) 2024/2509.

(18) Coordination of the activities implemented under this Regulation should be achieved via ongoing work and dialogue with Member States, partner countries and their relevant authorities, in particular the competent regulatory authorities in the field of nuclear safety, safeguards and decommissioning to avoid duplication.

(19) To ensure consistent external action implementation, the rules and procedures laid down in Regulation (EU) 202X/XXXX [Global Europe] should apply to the implementation of the Instrument's external component, where appropriate, and the implementing provisions under this Regulation should refer to the provisions provided for in that Regulation.

(20) For the Instrument's external component, annual or multiannual action plans and measures referred to in this Regulation should constitute work programmes within the meaning of Regulation (EU, Euratom) 2024/2509. Annual or multiannual action plans should consist of a set of measures grouped into one document.

(21) The Commission should adopt multiannual indicative programmes that are consistent with and complement the multiannual indicative programmes referred to in Chapter 1 of Regulation (EU) 202X/XXXX [Global Europe].

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[46] Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29,ELI: http://data.europa.eu/eli/dir/2017/1371/oj).

(22) The overall policy framework for the implementation of the external component of the Instrument should be constituted by the policies as set out in association agreements, partnership and cooperation agreements, multilateral agreements, nuclear cooperation agreements, memoranda of understanding, and other agreements that establish a relationship between the Community and its partner countries, as well as European Council conclusions and Council conclusions, summit declarations, conclusions of high-level meetings with partner countries, communications from the Commission and joint communications from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy.

(23) The external component of the Instrument may finance actions in any partner countries in compliance with the criteria set out in this Regulation. Priority should be given to persons and entities from acceding countries, candidate countries, including Ukraine, potential candidate countries, and European Neighbourhood Policy countries.

(24) International Cooperation will be based on the Fundamental Safety Principles as stipulated in the IAEA safety standards.

(25) Considering the continued need for safety improvement for the peaceful use of nuclear energy in partner countries, the Instrument should pursue the objectives of promotion of the highest level of nuclear safety, radiation protection, safe management of spent fuel and radioactive waste and the application of efficient and effective nuclear safeguards in partner countries. This includes remediation of radiologically contaminated legacy sites and enhancing regulatory capacity.

(26) Considering that the peaceful uses of nuclear energy continue to develop, the Instrument should be fit to carry out activities in emerging fields related to nuclear safety and emergency preparedness and response, for instance by contributing to the safety of small and modular reactors and radiological protection in new radiological medical applications.

(27) Russia's war of aggression against Ukraine is causing damages to the Ukrainian infrastructure, including to the country's nuclear power facilities, as shown by the drone attack on 14 February 2025 to the Chernobyl's New Safe Confinement. As regards Union support for Ukraine-related needs in the field of nuclear safety, appropriations mobilised from the Ukraine Reserve referred to in Article 6 of Council Regulation (EU, Euratom) 202X/XXXX [MFF Regulation] may be made available for support provided under the external component of the Instrument in the form of non-repayable support, financial instruments and provisioning of the budgetary guarantee. Support provided to Ukraine under the external component of the Instrument of this Regulation in the form of loans under Council decision 77/270/Euratom should be provided within the amount established in Council decision 77/270/Euratom and ceiling referred to in Article 6 (2), second sub-paragraph of the Global Europe regulation. If those loans are to be provided to Ukraine as sovereign state, they should be covered by the guarantee provided in accordance with Article 2(3), second subparagraph of Council Regulation (EU, Euratom) 202X/XXXX [MFF Regulation]. Accordingly, it is appropriate to provide for derogation from Article 214(1) of Regulation (EU, Euratom) 2024/2509 and set no provisioning rate for those loans to Ukraine as provided by Article 24 (3), last paragraph of the Global Europe Regulation.

(28) With a view to ensuring consistency, the budgetary guarantee and financial instruments, including when combined with non-repayable support in blending operations, under the external component of the Instrument should be implemented in accordance with the applicable rules of Regulation (EU) 202X/XXXX [Global

Europe] through agreements concluded for that type of support under Global Europe delivery mechanisms.

(29) For the external component, where Union support under the Instrument is to be provided in the form of a budgetary guarantee or a financial instrument, including where combined with non-repayable support in a blending operation, it is necessary that such support is provided exclusively through the Global Europe delivery mechanisms in accordance with the applicable rules of the Global Europe delivery mechanisms.

(30) Close cooperation with international organisations pursuing objectives similar to those of the Instrument, as referred to in Chapter 10 Title II of the Euratom Treaty, in particular with the International Atomic Energy Agency (IAEA), is considered necessary for a successful cooperation on nuclear safety.

(31) The most efficient use of available resources can be achieved through coherence and complementarity between the Union's external financing instruments, as well as through the creation of synergies with other Union policies and programmes. In order to maximise the impact of combined interventions to achieve a common objective, this Regulation should allow for the combination of funding with other Community and Union programmes, provided that the contributions do not cover the same costs.

(32) The previous financial programme under Regulation (Euratom) 2021/100 demonstrated the additional Community added value by the collection and the dissemination of knowledge. On the basis of Article 8 of the Euratom Treaty, and pursuant to Article 7 of Council Directive 2011/70/Euratom[47], the JRC is responsible for managing its historical nuclear liabilities and decommission its nuclear installations that have been shut down in accordance with the relevant national legislation. Accordingly, the Nuclear Decommissioning and Waste Management Programme at the JRC was launched in 1999 with a communication to the European Parliament and the Council[48], and since then the Commission has provided regular updates on the progress of that programme[49]

(33) The Commission has concluded that the best option to satisfy requirements stemming from Article 5(1), point (f), and Article 7 of Council Directive 2011/70/Euratom is to pursue a strategy combining decommissioning and radioactive waste management activities while initiating the discussions between the JRC and host Member States regarding a potential transfer of the decommissioning and spent fuel and radioactive waste management liabilities in the case of mutual agreements between the Commission and the host Member States. The JRC should provide for and maintain adequate resources to fulfil its obligations with respect to decommissioning and the safety of spent fuel and radioactive waste management.

(34) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should

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47 Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48, ELI: http://data.europa.eu/eli/dir/2011/70/oj).

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48 Communication from the Commission to the European Parliament and the Council of **17 March 1999** on the decommissioning of obsolete nuclear installations and waste management: Historical liabilities resulting from nuclear activities carried out at the JRC under the Euratom Treaty (COM (1999) 114 final).

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49 SEC(2004) 624, COM(2008) 903 and COM(2013) 734.

be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[50].

(35) The Commission should immediately adopt applicable implementing acts to adopt or amend annual or multi-annual action plans and measures under the Instrument's external component where, in duly justified cases relating to the need of a swift response by the Community, imperative grounds of urgency so require.

(36) In accordance with Article 9 of Council Decision 2010/427/EU, the High Representative, in its capacity of Vice-President of the Commission, shall ensure the overall political coordination of the Union's external action, ensuring its unity, consistency and effectiveness, in particular through the implementation of the present Instrument.

(37) The references to external assistance instruments in Council Decision 2010/427/EU[51] should be read as references to this Regulation and to the Regulations referred to herein. The Commission should ensure that this Regulation is implemented in accordance with the role of the European External Action Service as provided for in that Decision.

(38) In order to ensure continuity in providing support to the relevant policy areas and to allow implementation to start from the beginning of the multiannual financial framework 2028-2034, this Regulation should apply from 1 January 2028.

(39) In the framework of the Union's restrictive measures, adopted on the basis of Article 29 TEU and Article 215(2) TFEU, no funds or economic resources may be made available, directly or indirectly, to or for the benefit of designated natural or legal persons, entities or bodies. Therefore, such natural or legal persons, entities or bodies, as well as legal persons, entities or bodies owned or controlled by them should not be supported.

(40) Regulations (Euratom) 2021/100 and (Euratom) 2021/948 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

[50] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

[51] Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30, ELI: http://data.europa.eu/eli/dec/2010/427/oj).

Article 1

Subject matter

This Regulation establishes the Instrument for Nuclear Safety Cooperation and Decommissioning (the 'Instrument') and lays down the objectives of the Instrument, its indicative budget for the period from 1 January 2028 to 31 December 2034, the forms of Union funding and the rules for providing such funding under the Instrument. It also addresses the specificities of each of the Instrument's two components: the external component and the internal component.

Article 2

Instrument objectives

1. The general objective of the Instrument's external component is to contribute to a high level of nuclear safety, radiation protection, safe management of spent fuel and radioactive waste, decommissioning and the application of efficient and effective safeguards of nuclear materials in partner countries, in complementarity with Regulation (EU) 202X/XXXX [Global Europe], and building on the activities within the Community including the relevant Euratom regulatory framework.

2. The general objective of the Instrument's internal component is to support the decommissioning of the Commission's nuclear installations at the Joint Research Centre (JRC) sites, in line with the needs identified in the respective decommissioning plans and to safely manage the associated spent fuel, nuclear material and radioactive waste. In addition, the Instrument shall support knowledge deriving from the nuclear decommissioning process and the management of the resulting radioactive waste that will be shared with the Community's stakeholders.

3. The Instrument's external component has the following specific objectives:

   (a) to promote an effective nuclear safety and radiation protection culture, and the implementation of the highest nuclear safety and radiation protection standards, including for security of supplies, emergency preparedness and response, capacity development and transparency in decision-making processes of the authorities in partner countries;

   (b) to support responsible and safe management of spent fuel and radioactive waste and the decommissioning and remediation of former nuclear sites and installations in partner countries;

   (c) to strengthen efficient and effective safeguards for nuclear material in partner countries.

4. The Instrument's internal component has the following specific objectives:

   (a) to support the decommissioning plan and to carry out the activities in accordance with the national law of the host Member State for the dismantling and decontamination of the Commission's nuclear installations at the JRC sites, to carry out the safe management of associated radioactive waste and, where appropriate, to prepare the optional transfer of the related nuclear liabilities from the JRC to the host Member State;

(b) for the JRC to continue developing ties and exchanges among Union stakeholders on nuclear decommissioning, with a view to ensuring the dissemination of knowledge and the sharing of experience in all relevant areas, such as regulation and training, and developing potential Union synergies.

The transfer referred to in the first subparagraph, point (a), shall be voluntary for any host Member State and subject to a bilateral agreement concluded between the Commission and the host Member State. That bilateral agreement shall stipulate that all costs of the decommissioning of the Commission's nuclear installations at the JRC sites and storage of the associated radioactive waste are to be paid by the Community and shall fully comply with Directive 2011/70/Euratom. The nnegotiation between the Commission and the host Member State shall be concluded within two years from the date of entry into force of this Regulation.

Article 3

Budget

1. The indicative financial envelope for the implementation of the Instrument for the period from 1 January 2028 to 31 December 2034 shall be EUR 966 000 000 in current prices.

2. Additionally, financial resources for Ukraine mobilised through article 6 (2) of Regulation (EU) 202X/XXXX [Global Europe] from the Ukraine Reserve in accordance with Article 6 of Regulation (EU, Euratom) 202X/XXXX [MFF Regulation] may be used, where appropriate, to provide for Union support to Ukraine under this Regulation.

3. Appropriations may be entered in the Union budget beyond 2034 to cover the expenses necessary and to enable the management of actions not completed by the end of the Instrument.

4. The financial envelope referred to in paragraph 1 of this Article, the financial resources referred to in paragraph 2 of this Article and the amounts of additional resources referred to in Article 3 may also be used for technical and administrative assistance for the implementation of the Instrument, such as preparatory, monitoring, control, audit and evaluation activities, corporate information technology systems and platforms, information, visibility and communication activities, including corporate communication on the political priorities of the Union and all other technical and administrative assistance or staff-related expenses incurred by the Commission for the management of the Instrument.

5. For the Instrument's external component, the rules and procedures concerning carry overs, annual instalments, repayments, revenue and recoveries from financial instruments financed under this Instrument or its predecessors, and surpluses from the budgetary guarantees and loans provisioned under this Instrument or its predecessors, laid down in Article 22 of Regulation (EU) 202X/XXXX [Global Europe] shall apply to the implementation of this Regulation.

Article 4

Additional resources

Member States, Union institutions, bodies and agencies, partner countries, international organisations, international financial institutions, or other third parties, may make additional financial or non-financial contributions to the Instrument. The additional financial contributions shall constitute external assigned revenue within the meaning of Article 21(2), points (a), (d), or (e) or Article 21(5) of Regulation (EU, Euratom) 2024/2509.

Article 5

Alternative, combined and cumulative funding

1. The Instrument shall be implemented in synergy with other Community and Union programmes. An action that has received a Community and a Union contribution from another programme may also receive a contribution. The rules of the relevant Union programme shall apply to the corresponding contribution, or a single set of rules may be applied to all contributions and a single legal commitment may be concluded. If the Union contribution is based on eligible costs, the cumulative support from the Union budget shall not exceed the total eligible costs of the action and may be calculated on a pro-rata basis in accordance with the conditions for support.

2. Award procedures under the Instrument may be jointly conducted under direct or indirect management with Member States, Union institutions, bodies and agencies, partner countries, international organisations, international financial institutions, or other third parties (‘partners to the joint award procedure’), provided the protection of the financial interests of the Union is ensured. Such procedures shall be subject to a single set of rules and lead to the conclusion of single legal commitments. For that purpose, the partners to the joint award procedure may make resources available to the Instrument in accordance with Article [4] of this Regulation, or the partners may be entrusted with the implementation of the award procedure, where applicable in accordance with Article 62(1), point (c), of Regulation (EU, Euratom) 2024/2509. In joint award procedures, representatives of the partners to the joint award procedure may also be members of the evaluation committee referred to in Article 153(3) of Regulation (EU, Euratom) 2024/2509.

Article 6

Implementation and forms of Union funding

1. The Instrument shall be implemented in accordance with Regulation (EU, Euratom) 2024/2509, under direct management or in indirect management with entities referred to in Article 62(1), point (c) of that Regulation.

2. Union funding may be provided in any form in accordance with Regulation (EU, Euratom) 2024/2509, in particular grants, prizes, procurement, non-financial donations, budgetary guarantees, financial instruments and blending operations.

CHAPTER II

IMPLEMENTATION OF THE INSTRUMENT'S DIFFERENT COMPONENTS

SECTION 1: SPECIFIC PROVISIONS FOR THE IMPLEMENTATION OF THE INSTRUMENT'S EXTERNAL COMPONENT

Article 7

Policy framework

The policies, as set out in association agreements, partnership and cooperation agreements, including nuclear cooperation agreements, multilateral agreements, legally non-binding instruments, such as memoranda of understanding, declarations and other agreements that establish a relationship between the Union and/or the Community and its partner countries, as well as European Council conclusions and Council conclusions, summit declarations, conclusions of high-level meetings with partner countries, strategies and communications from the Commission and joint communications from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy, shall constitute the overall policy framework for the implementation of the Instrument.

Article 8

Implementation and eligibility in alignment with Global Europe

1. Unless otherwise specified in this Regulation, Union financing for the Instrument's external component shall be implemented in accordance with this Regulation, Regulation (EU, Euratom) 2024/2509, and as appropriate Chapter II and Chapter III of Title II of Regulation (EU) 202X/XXXX [Global Europe] with the exception of Articles 19, 20(2) and (3) and 26 of that Regulation. The eligibility rules set out in Articles 20(1) and (4) to (12) of Regulation (EU) 202X/XXXX [Global Europe] shall apply to all actions financed under the external component.
2. Where Union support is provided in the form of a budgetary guarantee or a financial instrument, including where combined with non-repayable support in a blending operation, it shall be exclusively provided through the Global Europe delivery mechanism and implemented in accordance with the applicable rules of the Global Europe delivery mechanism through agreements concluded for that type of support under the Global Europe delivery mechanisms.
3. Union support in the form of a budgetary guarantee shall be provided within the maximum amount of the budgetary guarantee established by the Global Europe Regulation.
4. Where the Instrument makes use of the Global Europe delivery mechanism, it shall provide the provisioning for the budgetary guarantee and the financing to financial instruments, including when combined with non-repayable support in the form of a blending operation.

Article 9

Euratom loans

1. Union support to Ukraine in the form of loans under Council Decision 77/270/Euratom shall be provided within the maximum amount referred to in Article 6 (2), second sub-paragraph of Regulation (EU) 202X/XXXX [Global Europe]. The provisions of the Article 24 (3), last paragraph of Regulation (EU) 202X/XXXX [Global Europe] shall apply to loans to Ukraine under Council Decision 77/270/Euratom.

2. The provisioning rate for Union support in the form of loans to Armenia under Council Decision 77/270/Euratom shall be the provisioning rate set out in Article 24 of Regulation (EU) 202X/XXXX [Global Europe].

Article 10

Multiannual indicative programmes

1. The implementation of the Instrument's external component shall be carried out through multiannual indicative programmes adopted by means of implementing acts in accordance with the examination procedure referred to in Article 17(3). Such multiannual indicative programmes shall:

(a) aim to provide a coherent framework for cooperation between the Community and partner countries or regions concerned, in a manner consistent with the overall purpose and scope, objectives, principles and policy of the Community and based on the policy framework referred to in Article 7 of this Regulation;

(b) constitute a general basis for the nuclear safety cooperation under the Instrument and set out the Community's goals for cooperation, having regard to the needs of the countries concerned, the Community's priorities, the international situation and the activities of the partner countries concerned;

(c) indicate the added value of the cooperation referred to in point (b) and how to avoid overlapping other programmes and initiatives, in particular those of international organisations pursuing similar objectives and those of other major donors;

(d) set out the geographic and policy priorities selected for Union financing, the specific objectives, and, where appropriate, the indicative financial allocations and the methods of implementation.

(e) be based on dialogue with the partner countries or regions which involves relevant stakeholders, especially the governmental and regulatory authorities and the organisations designated by them, as well as, where appropriate, on consultations with the European Nuclear Safety Regulators Group ('ENSREG') established by Commission Decision 2007/530/Euratom[52].

[52] Commission Decision 2007/530/Euratom of 17 July 2007 on establishing the European High Level Group on Nuclear Safety and Waste Management (OJ L 195, 27.7.2007, p. 44, ELI: http://data.europa.eu/eli/dec/2007/530/oj).

2. The multiannual indicative programmes may be reviewed on an ad hoc basis as necessary for their effective implementation, in particular where there are substantive changes in the policy framework referred to in Article 6 or following a situation of crisis or post-crisis. The examination procedure referred to in Article 17(3) shall also apply to reviews, which have the effect of significantly amending the content of the multiannual indicative programme.

Article 11

Adoption of action plans and measures

1. Annual or multiannual action plans and measures under the Instrument's external component shall constitute work programmes within the meaning of Regulation (EU, Euratom) 2024/2509.

2. The Commission shall adopt, by means of implementing acts, the action plans and measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(3).

3. The examination procedure referred to in paragraph 2 shall not be required for:

   (a) special measures and support measures for which the Union funding does not exceed EUR 10 million;

   (b) technical amendments, provided that they do not substantially affect the objectives of the action plan or measure concerned, such as:

      (i) change of method of implementation;

      (ii) reassignments of funds between actions contained in an action plan;

      (iii) increase of the budget of action plans and measures by not more than 20% of that budget.

   When adopted in accordance with this paragraph, special measures and support measures as well as technical amendments shall be communicated to the Member States through the committee referred to in Article 17(1), within one month of their adoption. They shall also be communicated to the European Parliament.

4. On duly justified imperative grounds of urgency relating to the need for a swift response from the Community, the Commission shall adopt or amend the action plans or measures referred to in paragraph 1 of this Article by means of immediately applicable implementing acts in accordance with the procedure referred to in Article 17(4).

Article 12

Criteria for international cooperation

1. The external component of the Instrument may finance actions in partner countries in compliance with the criteria set out in this article.

2. A common understanding or a reciprocal agreement between the partner country and the Community shall be the basis for cooperation.

3. Partner countries seeking to cooperate with the Community on nuclear safeguards shall be parties to the Treaty on the Non-Proliferation of Nuclear Weapons and shall

have concluded a Comprehensive Safeguards Agreement with the IAEA or shall have the Additional Protocol with the IAEA in force.

4. Partner countries seeking to cooperate with the Community on nuclear safety, shall be active parties to the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management or other relevant conventions or have taken steps demonstrating a firm commitment to accede to such conventions.

5. Partner countries seeking to cooperate with the Community on emergency preparedness and response, radiation protection or radioactive waste management and not meeting criteria (3) or (4) should not have any nuclear installations on their territory.

6. Cooperation with partner countries not fulfilling the criteria in Articles 12(3) to (5) shall be of exceptional nature, upon direct request from the concerned partner countries, and limited to support requested by them in case of a nuclear accident or radiological emergency event as referred to in the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

7. Cooperation with candidates or potential candidates, who are not in a position to meet the criteria in Articles 12(3) to (6) due to their country status, is an exception.

8. In order to ensure and monitor compliance with the cooperation-related objectives of the Instrument, the partner country concerned shall accept the evaluation of the actions undertaken. That evaluation shall allow the monitoring and verification of compliance with the objectives and shall be a condition for continued payment of the Community contribution.

Article 13

EUROPEAN EXTERNAL ACTION SERVICE (EEAS)

The Instrument's external component shall be implemented taking into account the role of the EEAS as provided for in Council Decision 2010/427/EU, in particular Articles 3 and 9 thereof.

SECTION 2: SPECIFIC PROVISIONS FOR THE IMPLEMENTATION OF THE INSTRUMENT'S INTERNAL COMPONENT

Article 14

Work programmes

1. The implementation of the Instrument's internal component shall be carried out by work programmes referred to in Article 110 of Regulation (EU, Euratom) 2024/2509.

   The work programme for the Instrument's internal component shall:

   (a) aim to provide an overview of the activities planned over the period covered by the multiannual work programme;

(b) constitute a general basis for the implementation of the activities covered by this Regulation and be based on the highest nuclear safety standards and best practices in addressing the Community's nuclear liabilities.

Article 15

Implementation and forms of Union funding and eligibility criteria for the implementation of the Instrument's internal component

Unless otherwise specified in this Regulation, Union financing for the Instrument's internal component shall be implemented in accordance with this Regulation, Regulation (EU, Euratom) 2024/2509.

Only the following activities shall be eligible for Union funding under the Instrument's internal component:

(a) safe conservation and operation of shutdown nuclear facilities;

(b) dismantling of obsolete or unused nuclear installations, or both;

(c) safe management of radioactive waste and spent fuel, including collection, characterisation, treatment, transport and storage;

(d) reduction of the nuclear material inventory at the JRC sites;

(e) development and construction of radioactive wastes management facilities;

(f) production and update of decommissioning plans, technical studies and licensing files;

(g) external support for project design, evaluation, management;

(h) operational support, including radiation protection, equipment and facilities maintenance;

(i) negotiation with host Member States in view of the transfer of the Commission's nuclear liabilities;

(j) communication and cooperation with external stakeholders;

(k) collection, production, assessment and dissemination of nuclear decommissioning knowledge, including training activities;

(l) any other activity supporting the achievement of the decommissioning of the Commission's nuclear installations at the JRC sites and nuclear decommissioning and waste management knowledge as referred to in Article 2.

Article 16

Knowledge-sharing provision

1. Knowledge created in the implementation process of the JRC Decommissioning and Waste management programme shall be disseminated at the Community level.

2. Activities for accomplishing the activity referred to in paragraph 1 shall be financed under the Instrument. The JRC shall coordinate the structuring and dissemination of knowledge to Member States.

3. The process of dissemination of knowledge shall be included and defined in the work programmes referred to in Article 16.

CHAPTER III

IMPLEMENTING POWERS, TRANSITIONAL AND FINAL PROVISIONS

Article 17

Committee procedure

1. The Commission shall be assisted by a committee for the Instrument's external component. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. The committee shall meet in different configurations depending on the topic or subject matter.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) 182/2011 shall apply.
4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.
5. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.
6. In accordance with international agreements concluded by the Union, representatives of partner countries or international organisations may be invited as observers in the meetings of the committee under the conditions laid down in its rules of procedure, taking into account the security and public order of the Union or its Member States. Representatives of partner countries or international organisations shall not be present in deliberations on matters related to eligibility criteria as per article 8 of this Regulation.

Article 18

Repeal

Regulations (Euratom) 2021/100 and (Euratom) 2021/948 are repealed with effect from 1 January 2028.

Article 19

Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulations (Euratom) 2021/100 and (Euratom) 2021/948, which shall continue to apply to those actions until their closure.

2. The financial envelope for the Instrument may also cover the technical and administrative assistance expenses necessary to ensure the transition between the Instrument and the measures adopted under Regulations (Euratom) 2021/100 and (Euratom) 2021/948.

Article 20

Entry into force and application

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

It shall apply from 1 January 2028.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

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1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Council Regulation (Euratom) establishing the Instrument for Nuclear Safety Cooperation and Decommissioning for the period 2028-2034.

1.2. Policy area(s) concerned

Nuclear Safety

1.3. Objective(s)

1.3.1. General objective(s)

The **Instrument meets one external and one internal objective**.

- 1. The general objective of the external component of the Instrument is to support the promotion of the highest level of nuclear safety, radiation protection, safe management of spent nuclear fuel and radioactive waste and the application of efficient and effective safeguards of nuclear materials in partner countries.
- 2. The general objective of the internal component of the Instrument is to support the decommissioning of the Commission's nuclear installations at the JRC sites and to safely manage the associated spent fuel, nuclear material and radioactive waste.

1.3.2. Specific objective(s)

Specific objective No

For the external component:

- 1. to promote of an effective nuclear safety and radiation protection culture, the implementation of the highest nuclear safety and radiation protection standards, and the continuous improvement of nuclear safety, including the promotion of transparency in decision-making processes of the authorities in partner countries relating to the safety of peaceful uses of nuclear installations
- 2. to support responsible and safe management of spent fuel and radioactive waste and the decommissioning and remediation of former nuclear sites and installations;
- 3. to establish efficient and effective safeguards for nuclear material in partner countries.

For the internal component:

- 1. to support the decommissioning plan and to carry out the activities in accordance with the national law of the host Member State for the dismantling and decontamination of the Commission's nuclear installations at the JRC sites, to carry out the safe management of associated radioactive waste and where appropriate, to prepare the optional transfer of the related nuclear liabilities from the JRC to the host Member State;;
- 2. for the JRC to continue developing ties and exchanges among Union stakeholders on nuclear decommissioning, with a view to ensuring the

dissemination of knowledge and the sharing of expertise in all relevant areas, such as regulation and training and developing Union synergies.

1.3.3. Expected result(s) and impact

For the external component:

- Increased nuclear safety and radiation protection management in external partner countries in line with Euratom *acquis* and EU best practices
- Radioactive waste management and decommissioning activities in external partner countries in line with Euratom *acquis* and EU best practices
- Improved nuclear safeguards capabilities in external partner countries.

For the internal component:

- Since 2021, the Nuclear Decommissioning and Waste Management Programme of the Joint Research Centre is financed under a specific legal basis. The programme that started in 1999 under JRC budget has benefited from the new approach and enhanced the efficiency for its implementation. The programme effectively improved the nuclear safety at the JRC sites for the benefit of the EU citizens and the environment. The continuation of the programme is needed to fulfil the European Commission's legal commitments, reduce the nuclear hazards towards a complete release of the facilities from the regulatory control and create and share knowledge with the EU stakeholders dealing with the decommissioning and waste management.

1.3.4. Indicators of performance

The output and result indicators for the purpose of monitoring progress and achievements of this programme will correspond to the common indicators provided under Regulation xxx [Performance Regulation].'

1.4. The proposal/initiative relates to:

☐ a new action

☐ a new action following a pilot project / preparatory action[53]

☐ the extension of an existing action

☒ a merger or redirection of one or more actions towards another/a new action

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long-term including a detailed timeline for roll-out of the implementation of the initiative

The external component is a natural progression of the European Instrument for International Nuclear Safety Cooperation and therefore a similar institutional set-up would be expected to ensure smooth implementation. The internal component continues the activities initiated in 1999 to address the nuclear legacy of the Joint Research Centre. The Instrument aims at progressing in the decommissioning and dismantling of the obsolete nuclear facilities in line with the site-related decommissioning plan and ensure the safe management of radioactive wastes.

[53] As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

1.5.2. Added value of EU involvement

Reasons for action at EU level (*ex-ante*) In respect of the external component, the external partners could benefit from action at Community level due to the flexibility in the implementation and the access to all the experience of the different Member States,

For the external component, there is a larger impact, efficiency and visibility than if individual Member States were to implement. The internal component is a European Commission legal responsibility in managing its own nuclear research facilities.

For the internal component, the EU involvement is deriving from of the European Commission's legal responsibilities regarding the nuclear legacies of its past and ongoing research activities

1.5.3. Lessons learned from similar experiences in the past

Lessons learned from the implementation of the European Instrument for International Nuclear Safety Cooperation and its predecessors will be used for the implementation of the external component.

Lessons learned from the implementation of the previous Nuclear Decommissioning Assistance Programme will be used for the implementation of the internal component.

1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments

The Programme is one of the funding instruments under the 2028-2034 Multiannual financial framework and has a high degree of coherence and complementarity with other key EU priorities and funding schemes.

Regarding the internal component, the promotion and implementation of the highest standards of nuclear safety and safe management of radioactive wastes is a shared objective between the two merged instruments (Instrument for Nuclear Safety Cooperation and Decommissioning Programme). It is aligned with the Nuclear Decommissioning Programme managed by DG ENER supporting decommissioning activities in the Member States of the European Union.

When implementing this Regulation, consistency with other areas of external action and with other relevant EU policies will be ensured. Synergies with actions under other EU programmes should be sought, in order to maximise the impact of combined interventions.

Actions funded under this proposal should be coherent and complementary to those carried out under the Global Europe, the Decision on Overseas Countries and Territories, the common foreign and security policy and the European Peace Facility which is outside the EU budget.

1.5.5. Assessment of the different available financing options, including scope for redeployment

Not applicable, as this proposal is part of the package of new funding programmes for the 2028-2034 Multiannual Financial Framework (MFF). The proposed budgetary allocation for this programme is therefore fully covered by the

appropriations under Heading 1 of the 2028-2034 MFF, and it does not require any redeployment from any other programme.

1.6. Duration of the proposal/initiative and of its financial impact

☒ **limited duration**

– ☒ in effect from 01/01/2028 to 31/12/2034

– ☒ financial impact from 2028 to 2034 for commitment appropriations and from 2028 to 2041 for payment appropriations.

☐ **unlimited duration**

– Implementation with a start-up period from YYYY to YYYY,

– followed by full-scale operation.

1.7. Method(s) of budget implementation planned

☒ **Direct management** by the Commission

– ☒ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

☐ **Shared management** with the Member States

☒ **Indirect management** by entrusting budget implementation tasks to:

– ☒ third countries or the bodies they have designated

– ☒ international organisations and their agencies (to be specified)

– ☒the European Investment Bank and the European Investment Fund

– ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation

– ☒ public law bodies

– ☒ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees

– ☒ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees

– ☒ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act

– ☒‧bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

Comments

For the internal component, negotiations with the host Member States during the MFF is planned for the possible transfer of the nuclear liabilities of the Joint Research Centre.

For the external component, the most suitable implementation method will be chosen, which will include direct management, implementation by the EBRD, implementation by the IAEA

implementation by EU Member States' pillar assessed organisations, at stage of programming it is preferred not to exclude possible implementation modalities.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

The monitoring, reporting, and evaluation rules for this programme will follow the requirements laid down in Regulation xxx [Performance Regulation].

Internal component

The internal component is implemented by the Commission. The JRC is managing and governing the Instrument through a high-level steering committee, composed of JRC senior management and meeting three times per year to take strategic decisions, revise objectives and monitor the progress of the Instrument. The high-level steering committee is supported by the operational level steering committee, composed of technical site representatives and representatives from the legal and financial directorates. The committee meets three times per year to ensure that technical, legal, financial and procurement tasks are streamlined. It monitors both technical progress as well as budget implementation.

In line with the European Parliament resolution in 1999 (COM(1999)–114–C5-0214/1999-1999/2169(COS)), the JRC is since the beginning of the D&WM programme regularly advised by a group of independent European decommissioning experts, the D&WM programme Expert Group. Their advice relates to the decommissioning and waste treatment strategy, the available technology, technical aspects of the organisation and any other aspects relating to the instrument.

Since the beginning of the D&WM programme, the Commission is periodically reporting to the Council and the European Parliament the progress and status of the D&WM programme, thereby providing an updated budget forecast (every four years).

Moreover, JRC reports on an annual basis on the mid-term targets and the progress achieved (JRC Management Plan, JRC Activity Report).

2.2. Management and control system(s)

2.2.1. Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

For the external component

Regarding the management modes, there are no fundamental changes envisaged and the experience acquired by the Commission services and implementing actors under the predecessor programmes will contribute to better results in the future. Partner countries are still adjusting to the existing legislative framework and the implementation for INSC programmes is still in an early stage; as a result a maximum of continuity should be secured.

The actions to be financed under this Regulation will be implemented under direct management by the Commission from headquarters and/or through the Union delegations and under indirect management by any of the entities listed in Article 62(1)(c) of the Financial Regulation in order to better achieve the objectives of the Regulation.

Concerning indirect management, as stated in Article 157 of the Financial Regulation, such entities must ensure a level of protection of the EU's financial interests equivalent to the one under direct management. An *ex-ante* pillar assessment of the entities' systems and procedures will be carried out, in accordance with the principle of proportionality and with due consideration for the nature of the action and the financial risks involved. Where the implementation requires so or there have been reservations expressed in the Annual Activities Reports, action plans with specific mitigation measures will be defined and implemented. Additionally, appropriate supervisory measures imposed by the Commission may accompany the implementation.

To ensure the effectiveness and efficiency of the operations (and to mitigate the high level of risk in the external assistance environment), in addition to all the elements of the Commission wide strategic policy and planning process, internal audit environment and other requirements of the Commission's Internal Control Framework, the implementing services will continue to have a tailored aid management framework in operation under all the instruments.

The implementing services will continue to pursue the highest standards of accounting and financial reporting using the Commission's corporate financial system (SUMMA) as well as external aid specific tools such as OPSYS.

In relation to compliance with the relevant legislative and procedural framework, compliance control methods are set out in Section 2.3 (measures to prevent fraud and irregularities).

For the internal component

Regarding the management modes, there are no fundamental changes envisaged and the experience acquired by the JRC under the predecessor programmes will contribute to better results in the future.

External reviews and audits have acknowledged that the instrument has made important progress and achievement since its launch within the given external and internal constraints.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

For the external component

The operational environment of cooperation under this instrument is characterised by the risks of not achieving the instrument's objectives, suboptimal financial management and/or of not complying with the applicable rules (legality and regularity errors) related to:

-Economic and political instability and natural disasters and extreme climatic events that may lead to difficulties and delays in the design and implementation of interventions;

- limited institutional and administrative capacity in partner countries that may lead to difficulties and delays in the design and implementation of interventions;

- geographically dispersed projects and programmes (covering approximately many states, territories and regions) may pose logistical and resource challenges to monitoring - particularly any 'on-the-spot' follow-up of activities;

- diversity of potential partners or beneficiaries with their diverse internal control structures and capacities can fragment and therefore reduce the effectiveness and efficiency of the Commission's available resources to support and monitor implementation;

- limited availability of quantitative and qualitative data on the outcomes and impact of external assistance implementation in partner countries may hinder the Commission's ability to report on and be accountable for results.

In order to deal with the risk of financial errors, the Commission will perform the appropriate *ex ante* and *ex post* controls. Wherever applicable the performance of systems audits will work as a tool to identify root causes of errors in the entities' control systems and trigger the necessary mitigating measures. Moreover, to strengthen its effectiveness in preventing errors, management deficiencies and irregularities, the Commission is setting up a system for an ongoing targeted risk assessment at contract and at entity level. Key factors increasing the likelihood of a high error rate and a negative impact on sound financial management, in particular linked also to historical data of previous controls and monitoring haven been identified and aggregated in a risk profiling dashboard. The dashboard will provide an important tool to target more effectively future controls, monitoring efforts and other means of mitigation to sensibly reduce the risks of errors, management deficiencies and irregularities.

For the internal component

The main risk identified and documented in the JRC risk register concerns unforeseen occurrences, uncertainties, and delays that can lead to cost escalation and generate non-compliance.

The main mitigating measures to address this risk are:

- Regular contacts with relevant national authorities;

- Strengthened governance in place since beginning of 2025;

- Continued use of the JRC risk register with a regular risk review process with close follow up of the most important risks and the possibility to carry out thematic verifications if need be.

2.2.3. Estimation and justification of the cost-effectiveness of the controls

The cost of controls for the Instrument for Nuclear Safety Cooperation & Decommissioning is estimated to be <4% of the funds managed under this programme. The estimated risk at payment and at closure is expected to be <2% of the relevant expenditure on an annual basis.

2.3. Measures to prevent fraud and irregularities

For the external component

The proposal contains appropriate anti-fraud measures as per Financial Regulation. Regarding the measures to prevent fraud and irregularities, there are no fundamental changes envisaged and the experience acquired by the Commission services and implementing actors under the predecessor programmes will contribute to better results in the future.

Compliance framework is made of inter alia of the following significant component

Preventative measures

- Compulsory core training covering fraud issues for aid management staff and auditors;

- *Ex ante* assessment to ensure that appropriate anti-fraud measures to prevent and detect fraud in the management of Union funds are in place in the authorities managing the relevant funds under joint and decentralised management);

- *Ex ante* screening of the anti-fraud mechanisms available in the partner country as part of the assessment of the eligibility criterion of public finance management for receiving budget support (i.e. active commitment to fight fraud and corruption, adequate inspection authorities, sufficient judicial capacity and efficient response and sanction mechanisms);

- Effective anti-fraud mechanisms to prevent and detect fraud, corruption, and other illegal activities affecting the financial interests of the Union, including cyber-attacks

Detective and corrective measures

- Suspension of EU funding where there is a serious fraud case, including large scale corruption, until the authorities have taken appropriate action with a view to correcting and preventing such fraud in the future;

- EDES (Early Detection Exclusion System);

- Suspension/termination of contract;

- Exclusion procedure.

Anti-fraud strategies of the services concerned, aligned with the objectives and priorities of the Commission's anti-fraud strategy (CAFS) and its corresponding Action Plan ensures that the systems used for spending EU funds in third countries enable relevant data to be retrieved with a view to feeding this data into fraud risk assessment and management (e.g. double funding, inflation of costs, rigged tender procedures, conflict of interest, collusion); and wherever necessary, networking groups and adequate IT/digital tools aimed at early detection and prevention of fraud risks and fraud cases related to the external aid sector could be set up.

For the internal component

In line with the Financial Regulation and the Rules of Application to perform *ex ante* and *ex post* verifications, the JRC has put in place the Public Procurement Advisory Group under the Deputy General Director. It performs *ex ante* controls on the legal and regulatory aspects of the procurement procedures and gives advice to the Authorising Officer by sub-delegation (AOS) before the award decision is taken. The controls carried out by the Group are aimed at reducing legal and reputational risk for the Commission. These controls are complementary to the other *ex-ante* controls executed by the Finance and Procurement Unit and the site's support services.

The JRC's *ex post* controls strategy is implemented using a representative stratified sampling methodology Multiple selection criteria (including random sampling) were used to select the 2024 payments for control. In 2024, 134 payments were selected from various JRC sites. In addition, *ex post* controls were carried out on 51

procurement files related to legal commitments associated to the payments made. Recommendations from audits are followed up and implemented in timely manner.

The JRC Anti-Fraud Strategy has been updated in December 2024 in line with the Commission Anti-Fraud Strategy and the latest OLAF methodology.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

(1) New budget lines requested

Heading of multiannual financial framework	Budget line	Type of expenditure
	Number	Diff./Non-diff.
2	04 01 04 - Support expenditure for International Nuclear Safety Cooperation - Decommissioning	Non-diff.
2	04 05 01 – International Nuclear Safety Cooperation	Diff
2	04 05 02 – International Nuclear Safety Cooperation – Provisioning of the Common Provisioning Fund	Diff
2	04 05 03 – Decommissioning and Waste Management Programme of the Joint Research Centre (JRC)	Diff
2	04 05 99 01 - Completion of previous INSC programme (prior 2028)	Diff
2	04 05 99 02 – Completion of previous decommissioning programme (prior 2028)	Diff

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☒ The proposal/initiative requires the use of operational appropriations, as explained below

3.2.1.1. Appropriations from voted budget

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	2

			2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	**TOTAL MFF 2028-2034**
Operational appropriations										
04 05 01 - International Nuclear Safety Cooperation	Commitments	(1a)	49	37	44	46	52	57	65	**350**
	Payments	(2a)	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
04 05 02 - International Nuclear Safety Cooperation - Provisioning of the Common Provisioning Fund	Commitments	(1b)	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
	Payments	(2b)	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
04 05 03 - Decommissioning and Waste Management Programme of the Joint Research Centre (JRC)	Commitments	(1c)	86	66	77	82	92	101	112	**616**
	Payments	(2c)	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
Appropriations of an administrative nature financed from the envelope of specific programmes[1]										
04 01 04 - Support expenditure for INSC-D (International Nuclear Safety Cooperation - Decommissioning)		(3)	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
TOTAL appropriations	Commitments	=1a+1b+1c+3	135	103	121	128	144	158	177	**966**
	Payments	=2a+2b+2c+3	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**

[1] Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

Heading of multiannual financial framework	4	'Administrative expenditure'[1]

DG: <…….>		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
Human resources		4.136	4.136	4.136	4.136	4.136	4.136	4.136	**28.952**
Other administrative expenditure		p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
TOTAL DG <…….>	Appropriations	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**28.952**

TOTAL appropriations under HEADING 4 of the multiannual financial framework	(Total commitments = Total payments)	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**28.952**

EUR million (to three decimal places)

		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
TOTAL appropriations under HEADINGS 1 to	Commitments	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**

4									
of the multiannual financial framework	Payments	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**	**p.m.**

[1] The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

3.2.3. *Summary of estimated impact on administrative appropriations*

– ☐ The proposal/initiative does not require the use of appropriations of an administrative nature

– ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below

3.2.3.1. Appropriations from voted budget

VOTED APPROPRIATIONS	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	TOTAL 2028 - 2034
HEADING 4								
Human resources	4.136	4.136	4.136	4.136	4.136	4.136	4.136	**28.952**
Other administrative expenditure [1]	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
Subtotal HEADING 4	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**4.136**	**28.952**
Outside HEADING 4								
Human resources	2.424	2.424	2.424	2.424	2.424	2.424	2.424	**16.968**
Other expenditure of an administrative nature[2]	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	**p.m.**
Subtotal outside HEADING 4	**2.424**	**2.424**	**2.424**	**2.424**	**2.424**	**2.424**	**2.424**	**16.968**
TOTAL	**6.560**	**6.560**	**6.560**	**6.560**	**6.560**	**6.560**	**6.560**	**45.920**

[1] The appropriations for "Other administrative expenditure" will be filled in at a later stage.
[2] The appropriations for "Other expenditure of an administrative nature" will be filled in at a later stage.

3.2.4. *Estimated requirements of human resources*

– ☐ The proposal/initiative does not require the use of human resources

– ☒ The proposal/initiative requires the use of human resources, as explained below

3.2.4.1. Financed from voted budget

Estimate to be expressed in full-time equivalent units (FTEs)

VOTED APPROPRIATIONS	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034
Establishment plan posts (officials and temporary staff)							
20 01 02 01 (Headquarters and Commission's Representation Offices)	22	22	22	22	22	22	22
20 01 02 03 (EU Delegations)	0	0	0	0	0	0	0
(Indirect research)	0	0	0	0	0	0	0

(Direct research)[54]		27	27	27	27	27	27	27
Other budget lines (specify)		0	0	0	0	0	0	0
• External staff (inFTEs)								
20 02 01 (AC, END from the 'global envelope')		0	0	0	0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0	0	0	0
Admin. Support line	- at Headquarters	24	24	24	24	24	24	24
[XX.01.YY.YY]	- in EU Delegations	0	0	0	0	0	0	0
(AC, END - Indirect research)		0	0	0	0	0	0	0
(AC, END - Direct research)[55]		20	20	20	20	20	20	20
Other budget lines (specify) - Heading 4		0	0	0	0	0	0	0
Other budget lines (specify) - Outside Heading 4		0	0	0	0	0	0	0
TOTAL		**93**	**93**	**93**	**93**	**93**	**93**	**93**

The staff required to implement the proposal (in FTEs):

(1)	**(2) To be covered by current staff available in the Commission services**	**(3) Exceptional additional staff***		
(4)	**(5)**	**(6) To be financed under Heading 4 or Research**	**(7) To be financed from BA line**	**(8) To be financed from fees**
(9) Establishment plan posts	(10) 47	(11) 2	(12) N/A	(13)
(14) External staff (CA, SNEs, INT)	(15) 26	(16) 10	(17) 8	(18)

Description of tasks to be carried out by:

Officials and temporary staff	
External staff	

3.2.5. Overview of estimated impact on digital technology-related investments

TOTAL Digital and IT appropriations	Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028 -**

[54] The staff will be financed from the Euratom R&T Programme.

[55] The staff will be financed from the Euratom R&T Programme.

	2028	2029	2030	2031	2032	2033	2034	2034
HEADING 4								
IT expenditure (corporate)	0.763	0.763	0.763	0.763	0.763	0.763	0.763	**5.341**
Subtotal HEADING 4	**0.763**	**0.763**	**0.763**	**0.763**	**0.763**	**0.783**	**0.763**	**5.341**
Outside HEADING 4								
Policy IT expenditure on operational programmes	0.36	0.36	0.36	0.36	0.36	0.36	0.36	**2.52**
Subtotal outside HEADING 4	**0.36**	**0.36**	**0.36**	**.360**	**0.36**	**0.36**	**0.36**	**2.52**
TOTAL	**1.123**	**1.123**	**1.123**	**1.123**	**1.123**	**1,123**	**1.123**	**7.861**

3.2.6. Compatibility with the current multiannual financial framework

The proposal/initiative:

– ☐ can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF)

– ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation

– ☐ requires a revision of the MFF

3.2.7. Third-party contributions

The proposal/initiative:

– ☒ does not provide for co-financing by third parties

– ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

– ☒ The proposal/initiative has no financial impact on revenue.

– ☐ The proposal/initiative has the following financial impact:

– ☐ on own resources

– ☐ on other revenue

– ☐ please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[56]						
		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**
Article ……								

For assigned revenue, specify the budget expenditure line(s) affected.

N/A

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

N/A

4. DIGITAL DIMENSIONS

4.1. Requirements of digital relevance

N/A

4.2. Data

N/A

4.3. Digital solutions

(19) The European Commission will be responsible for developing and maintaining the digital solution. Without prejudice to Regulation (EU) 2016/679, the European Commission shall ensure the security, integrity, authenticity and confidentiality of the data collected and stored for the purpose of this regulation.

4.4. Interoperability assessment

N/A

4.5. Measures to support digital implementation

N/A

[56] As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20% for collection costs.