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NOTE

From:	General Secretariat of the Council
To:	Delegations
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 - Second revision (REV2)

In view of the Working Party on Atomic Questions on 24 February, delegations will find in the Annex a second revision (REV2) of the above-mentioned proposal.

Compared to the Commission's proposal, texts changed in REV1 are marked underlined and deletions are marked ~~double-strikethrough~~. New texts (changes from REV1 to REV2) are marked **bold underlined** and deletions are marked ~~strikethrough~~.

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 Parliament¹,

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').
- (42) In order to maintain and promote the continuous improvement of nuclear safety and the regulation thereof, the Council adopted Directive 2009/71/Euratom². 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.

¹ Opinion of ..., OJ

² 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>).

- (23) The Community and its Member States are contracting parties to the Convention on Nuclear Safety adopted on 17 June 1994³ and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management adopted on 5 September 1997⁴.
- (34) The Member States of the Union are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)⁵ ~~concluded a Comprehensive Comprehensive Safeguards Agreement and signed on 1 July 1968 and apply the an Additional Protocol to that agreement with the~~ their respective International Atomic Energy Agency (IAEA) safeguards agreements⁵.
- (45) 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.
- (56) The Instrument's external component should support activities in international nuclear safety cooperation, building on the actions previously supported under Council Regulation (Euratom) 2021/948⁶. The external component is consistent with and complements the external action supported under Regulation (EU) 202X/XXXX [Global Europe].⁷

³ OJ L 318, 11.12.1999, p. 21, ELI: <http://data.europa.eu/eli/convention/1999/819/oj>.

⁴ 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>

⁵ 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, and Protocol Additional to the Agreement between France, the European Atomic Energy Community and the International Atomic Energy Agency for the Application of Safeguards in France \(INFCIRC/290/Add.1\), approved by the Board of Governors on 11 June 1998. Available online in: INFCIRC/290/Add.1 - Protocol Additional to the Agreement between France, the European Atomic Energy Community and the International Atomic Energy Agency for the Application of Safeguards in France](#)

⁶ 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>).

⁷ Regulation (EU) .../... [Global Europe] of the European Parliament and of the Council establishing the Global Europe instrument (OJ, ..., ... ELI: ...).

- (67) 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-Ispira in Italy and JRC-Petten in the Netherlands, building on the actions previously supported under Council Regulation (Euratom) 2021/100⁸.
- (78) 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~~ 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~~ are regrouped to be governed by a single legal act, **with the aim of reducing** ~~to possibly ease the administrative burden~~ performance.
- (89) 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~~ **for** nuclear materials.
- (910) 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.
- (1011) Cooperation provided by the Community under this Regulation is not aimed at promoting nuclear energy in partner countries⁹.

⁸ 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>).

⁹ 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>).

- (~~11~~12) [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~~13) 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~~14) Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council¹⁰ 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~~15) [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 ¹¹[Performance Regulation].]

¹⁰ 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>).

¹¹ Regulation (EU) (EU, Euratom) .../... [Performance Regulation] (OJ, ..., ... ELI: ...).

(4516) In accordance with Regulation (EU, Euratom) 2024/2509, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹², Council Regulations (EC, Euratom) No 2988/95¹³, (Euratom, EC) No 2185/96¹⁴ and (EU) 2017/1939¹⁵, 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-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 Council¹⁶. 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.

¹² 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>).

¹³ 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>).

¹⁴ 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>).

¹⁵ 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>).

¹⁶ 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>).

- (17) [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.]
- (18) 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.
- (19) 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 **for nuclear materials** and decommissioning to avoid duplication.
- (20) [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.]
- (21) 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.

(22) Action plans under the Instrument's external component should be adopted annually, unless it is ~~considered appropriate~~ **duly justified** to adopt multiannual plans.

~~(2123)~~ 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].

~~(2224)~~ 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.

~~(2325)~~ 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.

~~(2426)~~ International Cooperation will be based on the Fundamental Safety Principles as stipulated in the IAEA safety standards-, **taking also into account, where relevant, environmental transboundary impacts.**

(27) Candidates or potential candidates for international nuclear safety cooperation may not be parties to international instruments, in particular where such participation is subject to conditions related to statehood, membership or recognition within the framework of the United Nations or other relevant multilateral agreements, or where accession procedures to such international instruments are pending. In such situations, cooperation may be pursued, on an exceptional basis, in order to achieve the objectives of the regulation.

~~(2527)~~ ~~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, emergency preparedness and response, and the application of efficient and effective nuclear safeguards in partner countries, taking into account the developments in these fields. This includes remediation of radiologically contaminated legacy sites and enhancing regulatory capacity.~~

~~(2628) 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.~~

(28) Considering the continued need to enhance safety in the peaceful use of nuclear energy in partner countries, and taking into account ongoing and future developments in this field, the Instrument should pursue the objectives of promoting the highest levels of nuclear safety and radiation protection, support responsible and safe management of spent fuel and radioactive waste, and the effective and efficient application of safeguards for nuclear material in these countries. This should include, inter alia, the remediation of radiologically contaminated legacy sites, the strengthening of regulatory capacity, and the ability to ensure safety in emerging nuclear fields and technologies, as well as radiological protection in new medical applications involving ionising radiation.

~~(2729)~~ [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 subparagraph 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.]

(2830) [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.]

(2931) [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.]

(3032) 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.

(3133) 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.

(3234) 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/Euratom¹⁷, the JRC is responsible for managing its historical nuclear

¹⁷ 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>).

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 Council¹⁸, and since then the Commission has provided regular updates on the progress of that programme¹⁹

(3335) 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 voluntary 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.

(3436) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁰.

(3537) 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.

(3638) 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

¹⁸ 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).

¹⁹ SEC(2004) 624, COM(2008) 903 and COM(2013) 734.

²⁰ 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>).

coordination of the Union's external action, ensuring its unity, consistency and effectiveness, in particular through the implementation of the present Instrument.

(3739) The references to external assistance instruments in Council Decision 2010/427/EU²¹ 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.

(3840) 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.

(3941) 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.

(4042) Regulations (Euratom) 2021/100 and (Euratom) 2021/948 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

²¹ 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>).

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. _____ This Regulation establishes the Instrument for Nuclear Safety Cooperation and Decommissioning (the ‘Instrument’) [for the period from 1 January 2028 to 31 December 2034].
2. _____ ~~and~~ It 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~~ **for** 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 safety relevant 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~~ **potential** 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 **voluntary ~~negotiation~~ discussions** between the Commission and the host Member State **on the potential transfer of liabilities referred to in the first subparagraph, point (a), may** ~~shall~~ be initiated ~~concluded~~ **at the latest by** ~~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].

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)(2). 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/Euratom²².

²² 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~~ **significant** changes in the policy framework referred to in Article 67 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.~~ **Reviews that significantly modify the content of the multiannual indicative programme shall be subject to the examination procedure referred to in Article 17(2).**

Article 11

Adoption of action plans and measures

1. ~~Action plans under the Instrument's external component will~~ **shall** be adopted annually. ~~unless it is considered appropriate to adopt multiannual plans.~~ **Where duly justified, the Commission may adopt multiannual action plans.**
- ~~12.~~ 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.
- ~~23.~~ The Commission shall adopt, by means of implementing acts, the action plans and measures referred to in paragraphs 1 **and 2**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(3)**(2)**.
- ~~34.~~ The examination procedure referred to in paragraph ~~23~~ shall not be required for:
- (a) special measures and support measures for which the Union funding does not exceed EUR ~~405~~ 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 and not exceeding EUR 5 million.

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.

45. 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 paragraphs 1 and 2 of this Article by means of immediately applicable implementing acts in accordance with the procedure referred to in Article 17(4)(3).

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 for nuclear material 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 who are not parties to

the international instruments referred to in paragraphs 3 and 4 ~~not meeting criteria (3) or (4) should~~ **shall** 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~~ **that are not parties to the international instruments referred to in paragraphs 3 and 4 and do not have nuclear installations on their territory shall only be possible upon direct request from the concerned partner countries, and shall be** 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.~~ **Cooperation on nuclear safety with candidates or potential candidates that are not parties to the international instruments referred to in paragraphs 3 and 4 may, on an exceptional basis, be pursued in order to achieve the objectives set out in Article 2(3).**
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 Instrument's internal component shall be adopted in accordance with the procedure set out in Article 4 of Commission Decision 96/282/Euratom (17).~~

~~1.~~ **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 programmes shall be adopted in accordance with the procedure set out in Article 4 of Commission Decision 96/282/Euratom.**

2. 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~~ **voluntary** discussions with host Member States in view of the **potential** 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 as well as the decommissioning assistance programme established under Regulation (EU) 202X/XXXX [Ignalina]²³ shall be disseminated at the Community level.

²³ Regulation (EU) .../... [Ignalina] of the Council establishing the nuclear decommissioning assistance programme of the Ignalina nuclear power plant in Lithuania for the period 2028-2034, and repealing Regulation (EU) 2021/101 instrument (OJ, ..., ... ELI: ...).

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 ~~14~~ 14.

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~~2. Where reference is made to this paragraph, Article 5 of Regulation (EU) 182/2011 shall apply.
- ~~4~~3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.
- ~~5~~4. 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~~5. 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

