



Council of the
European Union

**Brussels, 29 June 2020
(OR. en)**

9190/20

ATO 34

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	29 June 2020
To:	Delegations
No. prev. doc.:	8733/20
Subject:	Council conclusions on European Court of Auditors' Special Report 03/2020 entitled "The Commission contributes to nuclear safety in the EU, but updates required"
	- Council conclusions (29 June 2020)

Delegations will find in the annex the Council conclusions on European Court of Auditors' Special Report 03/2020 entitled "The Commission contributes to nuclear safety in the EU, but updates required", approved by written procedure by the Council of the European Union on 29 June 2020.

Council conclusions on European Court of Auditors' Special Report 03/2020 entitled "The Commission contributes to nuclear safety in the EU, but updates required"

THE COUNCIL OF THE EUROPEAN UNION:

1. THANKS the European Court of Auditors for its Special Report 03/2020 entitled "The Commission contributes to nuclear safety in the EU, but updates required";
2. ACKNOWLEDGES the focus of the Special Report on the Commission's role in monitoring the transposition of the Euratom directives, the framework under which it issues the opinions on nuclear investment projects, and the approach it applies when preparing these opinions and when carrying out verifications of radioactivity monitoring facilities;
3. RECALLS the Community legislative framework for nuclear safety, notably the Euratom Treaty, Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations, amended by Council Directive 2014/87/Euratom¹ ("Nuclear Safety Directive" - NSD), Council Directive 2011/70/EURATOM of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste² ("Radioactive Waste and Spent Fuel Directive" - RWD) and Council Directive 2013/59/EURATOM of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom³ ("Basic Safety Standards Directive" - BSSD);

¹ OJ L 172, 2.7.2009, OJ L 219, 25.7.2014.

² OJ L 199, 2.8.2011.

³ OJ L 13, 17.1.2014.

4. NOTES the overall conclusions in the Special Report that the Commission has contributed well to nuclear safety in the EU, but there is scope for the Commission to update the legal framework and its internal guidelines;
5. NOTES the Court's first recommendation to the Commission to update its approach to monitoring the transposition of future Euratom Directives which might also enable the Commission to contribute to facilitating the adoption of appropriate measures by the Member States;
6. NOTES the Court's second recommendation to the Commission as regards the aspects to be taken into account when presenting, as announced in the 2015 Energy Union package, legislative proposals for an updated framework covering nuclear investment projects and RECALLS, in this regard, Article 41 of the Euratom Treaty and the competences of Member States in the area of nuclear safety, and the basic principle of “better regulation”.
7. NOTES the Court's third recommendation to the Commission to establish internal procedures, in order to ensure a consistent and coherent approach while verifying Member States’ radioactivity monitoring facilities and while preparing opinions on nuclear investments.
8. Given the importance of nuclear safety globally, RECOMMENDS to follow up on this report with additional assessment of the Commissions’ role and contribution to strengthening nuclear safety in the EU's neighborhood.
9. NOTES that the Commission intends to invite ECA to present this Special Report at the forthcoming ENSREG meeting and to discuss its findings and its recommendations.