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MEETING DOCUMENT

From: General Secretariat of the Council
To: Working Party on Atomic Questions

Subject: Presentation on the Regulation on Nuclear Safety Cooperation and Decommissioning for the period 2028-2034

Delegations will find presentation on the Regulation on Nuclear Safety Cooperation and Decommissioning for the period 2028-2034.



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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

Doc. 16985/25, 19 December 2025

Presidency revised text (rev1)

Atomic Questions WP - 15 January 2026

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Brussels, 19 December 2025
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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

- First revision (REV1)

Recital 4 (formerly 3)

Drafting suggestion from FR:

- Adopted by PCY.

Comment from FR:

Due to FR special legal status as a Nuclear Weapon State, FR wishes to keep the same wording as in Regulation 2021/948 (recital 6), which covers both situations (Comprehensive Safeguards Agreements and the French Voluntary Offer Safeguards Agreement).

(34) The Member States of the Union are Pparties 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.

Recital 8 (formerly 7)

Drafting suggestion from AT:

- Adopted by PCY.

Comment from AT:

AT does not see significant proofs or answers on whether the proposed new [combined] regulation will actually improve the performance of the instruments.

(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~~ **are** be regrouped to be governed by a single legal act, **to possibly ease the administrative burden performance.**

Recital 11 (formerly 10) – No change

Comment from AT:

Austria requested this provision to be incorporated into an appropriate article in the new INSC Regulation proposal and maintained as part of the operative text.

- Not adopted.

Opinion from CLS:

The operative part of a (non-) legislative act should mention what are its objectives, but it should not mention what are not its objectives.

~~(10)~~11) Cooperation provided by the Community under this Regulation is not aimed at promoting nuclear energy in partner countries⁹.

(New) Recital 22

Comments from AT & DE:

Delete “multiannual”. As appropriations are planned to be transferred, as needed, between the two components of the Instrument, in line with Financial Regulation Article 30(1)(a), an annual action plan is necessary in order to allow transparency to MS.

PCY's perception from the discussion on 11.12.2025

- The majority of MS supported an annual action plan for the sake of openness and transparency.
- Same approach followed in Recital 37 (ex 35).
- An alternative wording is not to completely delete “multi-annual”, but clarify in a separate recital that **either annual or multiannual plans might exist, to allow COM's long-term planning, however accompanied by yearly reporting.**

~~(2021)~~ 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 to adopt multiannual plans.

Recital 25 (formerly 23)

Comment from AT:

Austria acknowledges the importance of maintaining Union support to Ukraine in the field of nuclear safety. However, the explicit integration of Ukraine-related funding under the INSCD, including access to the Ukraine Reserve, marks a significant shift from the previous, globally oriented INSC framework. Preference for non-case-specific language.

- Adopted by PCY.

(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.

CLS: Opt to leave out reference to Ukraine here, otherwise there might be a need to insert a whole list of other countries.

Recitals 27 and 28 (formerly 25 and 26)

Drafting suggestion from DE:

- Adopted by PCY.

Relevance to Recital 28 (ex 26) - Comments for deleting the relevant Recital 28 (ex 26):

PCY kept Recital 28 (ex 26), but accommodated stronger safety-related wording in Recital 27 (ex 25).

(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.

Article 1

Comment from DE:

The sectoral programmes shall be limited to the duration of the MFF 2028-2034.

Drafting suggestion from DE:

- Adopted by PCY.
- Para. separated in two new paragraphs, 1 and 2, as per the advice from CLS. The idea is not to prejudge the future MFFs beyond 2034.
- The newly inserted text is kept in brackets.

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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(2) and 2(3)

Comment from FR:

- A reference to the proposed Regulation regarding the decommissioning assistance programme for Ignalina NPP should be included either in this article or in Article 16.
- Addressed in Article 16.

Drafting suggestion from AT:

“...including for safety-relevant security of supplies”

- Adopted by PCY.

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.

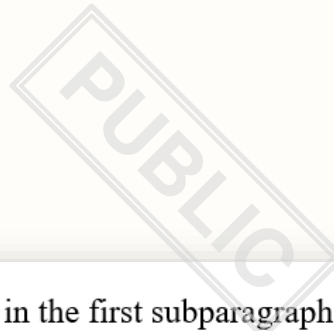
3. The Instrument's external component has the following specific objectives:

(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;

Article 2 (last para.)

Drafting suggestions from DE & NL [also under Recital 35 (ex 33)]:

- “~~.....The negotiation between the Commission and the host Member State shall be concluded within two years from the date of entry into force of this Regulation~~”.
- “The ~~negotiation~~ voluntary discussions between the Commission.....”
- PCY adopted the comment, replacing “negotiation” with “discussions”.
- Similar change in Art. 15(i) for consistency.

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 ~~negotiation~~ discussions between the Commission and the host Member State shall be initiated ~~concluded~~ within two years from the date of entry into force of this Regulation.

Moreover, “concluded” replaced by “initiated”:

- Setting a timeframe of 2 years binding COM and the host MS seems to be very ambitious. This activity might prove very complex to implement.

Article 3 (bracketed provision) - No changes

Comments and drafting suggestions from DE and AT:

- Bracketed provisions cannot be modified at WP level.

[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(2) - No changes

Drafting suggestion received from FR (for an additional para.):

“The resources allocated to the Instrument under this article are the subject of an estimate within the draft annual budget, separate from the budget appropriations and broken down by type of resource. They are taken into account in the budgetary management of the Instrument”.

CLS: This is a horizontal provision which appears in more than one sectoral MFF proposals and which may require harmonisation across acts. Moreover, the Financial Regulation 2024/2509 does not allow to take this suggestion on board.

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 11(1)

Insertion of new para. 1:

- Same rationale as in Recital 21 (ex 20).

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Article 11

Adoption of action plans and measures

1. **Action plans under the Instrument's external component will be adopted annually, unless it is considered appropriate to adopt multiannual plans.**
- ~~2.~~ 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.

Art. 11(2) - No changes + 11(4) (formerly 11(3))

11(4) (ex 11(3)) - Comments received from many MS:

- Diverging position among MS on this threshold; however, majority prefers frugal option to add a ceiling of 5 million

34. 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~~5 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**.

11(2) - Comments and drafting suggestion received by FR

- FR suggestion not included, as this is covered in the financing regulation (2509/24 art. 110), based on comments from CLS.

Article 12(4)

Comments received from LT:

- Replace with “comply”.
- Reference to the UN Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention).

In the revised draft, the PCY:

- Deleted the word “active” before “parties”, as this is unclear wording, in consultation with CLS.
- Kept “be parties to” and not accommodated the use of “comply”. Wording adjustment, after consultation with CLS.
- Reference to Espoo Convention not accommodated. This is a policy choice to add criteria for third countries to cooperate with EU.

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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.

Article 14

Comments received from DE and FR.

“The proposed regulation does not specify the proceedings for the adoption of the work programmes for the internal component of the Instrument. A reference to Article 4 of the Commission Decision 96/282/Euratom of 10 April 1996 should be included”.

- Accommodated by PCY with the insertion of new para. 1.

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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).

Comments received from DE and AT on multiannual work programmes:

- Already addressed elsewhere.

Article 15

Comments received by DE and NL:

- In consistency with previous changes in Article 2.

Request to amend the Explanatory Memorandum in line with the text proposed by NL (also for ex Recital 33):

- **CLS:** Not within the mandate of the Council.

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:

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

Article 16

Comment received from FR:

- There should be a reference to the proposed regulation regarding the decommissioning assistance programme for Ignalina NPP in the INSC-D regulation, either in this article or in Article 2.2.
- Adopted by PCY.

Drafting suggestion received from FR:

- “3. The process of dissemination of knowledge shall be included and defined in the work programmes referred to in Article 14”.
- Adopted by PCY (*not* “Article 4” as it now

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.
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 164.

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: ...).

Article 17

Comment received from DE:

- “Configurations” is unclear phrasing; who decides on the different configurations of the committee? Implicit that MS can decide who should attend committee meetings.
- This provision hinders transparency and hence should be omitted
- Adopted by PCY.

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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.



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Thank you!
Ευχαριστούμε!

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