



Brussels, 22.11.2023
C(2023) 7845 final

COMMISSION DECISION

of 22.11.2023

amending Commission Decision C(2023)1267 on the financing of actions under the prerogatives of the Commission and its specific powers in the field of energy, and adoption of the work programme for 2023

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty establishing the European Atomic Energy Community, and the tasks resulting from specific powers directly conferred on the Commission under Chapters III and VII, and in particular Article 174 thereof,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 58(2)(d) and Article 110 thereof,

Having regard to Commission Regulation (Euratom) No 302/2005 of 8 February 2005 on the application of Euratom safeguards,

Whereas:

- (1) On 24 February 2023, the Commission adopted Decision C(2023)1267 final². Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions. Article 58(2) point (d) of Regulation (EU, Euratom) 2018/1046 establishes that appropriations for actions carried out by the Commission under its prerogatives may be implemented without a basic act.
- (2) Due to ongoing technical discussions with the national nuclear safety authorities, the launch of a grant without call for proposals to support them in a coordinated approach to newly emerging regulatory challenges in nuclear safety has to be postponed.
- (3) The Commission concluded a Memorandum of Understanding with the International Atomic Energy Agency (IAEA)³ in 2013 to create a partnership on nuclear safety cooperation including the objective to fulfill the peer review obligations under the

¹ OJ L 193, 30.7.2018, p.1.

² Commission Decision C(2023)1267 of 24.2.2023 on the financing of actions under the prerogatives of the Commission and its specific powers in the field of energy, and adoption of the work programme for 2023

³ Commission Decision C(2013) 5641 on the conclusion of a Memorandum of Understanding for a partnership between the European Atomic Energy Community and the International Atomic Energy Agency on nuclear safety cooperation

EU Nuclear Safety Directive⁴ and the Radioactive Waste and Spent Fuel Management Directive⁵. The partnership was renewed in 2017, 2021 and 2022.

- (4) Due to the technical nature of the two areas covered by the peer review missions, the action is better entrusted to an entity specialised in international safety standards and with experience on peer review programmes. It is therefore necessary to include a new action under indirect management in the work programme for 2023. The International Atomic Energy Agency is an entity covered by Article 62(1), point (c) of Regulation (EU, Euratom) 2018/1046. Pursuant to this Article, indirect management is to be used for the implementation of the action.
- (5) In order to support the priorities under the RepowerEU Plan⁶ to rapidly reduce dependence on Russian fossil fuels and fast forward the green transition, the maximum Union contribution for the implementation of the work programme for 2023 needs to be increased.
- (6) The Commission is to ensure a level of protection of the financial interests of the Union with regard to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of the Financial Regulation. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.
- (7) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) FR.
- (8) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) FR.
- (9) Decision C(2023)1267 should be amended accordingly,

HAS DECIDED AS FOLLOWS:

Sole Article

Decision C(2023)1267 final is amended as follows:

- (1) Article 2 is replaced by the following:

Article 2

The maximum Union contribution for the implementation of the work programme for 2023 is set at EUR 31 583 107.41, and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) 02 20 04 02 – Support activities for the European energy policy and internal energy market EUR 9 169 443.41
- (b) 12 20 04 01 – Nuclear safeguards EUR 19 291 839
- (c) 12 20 04 02 – Nuclear safety and protection against radiation EUR 3 121 825

⁴ OJ L 172, 2.7.2009, p.18.

⁵ OJ L 199, 2.8.2011, p.48.

⁶ COM/2022/230 final of 18.5.2022.

The appropriations provided for in the first paragraph may also cover interest due for late payment.'

- (2) Article 5 is deleted.
- (3) The Annex is replaced by the text in the Annex to this Decision.

Done at Brussels, 22.11.2023

For the Commission
Kadri SIMSON
Member of the Commission