



Brussels, 18.6.2024
C(2024) 3785 final

COMMISSION DECISION

of 18.6.2024

amending Commission Decision C(2023)8494 on the financing of actions under the prerogatives of the Commission and its specific powers in the field of energy: Support activities to the European energy policy and internal energy market, nuclear safeguards, and nuclear safety and protection against radiation and the adoption of the work programme for 2024

COMMISSION DECISION

of 18.6.2024

amending Commission Decision C(2023)8494 on the financing of actions under the prerogatives of the Commission and its specific powers in the field of energy: Support activities to the European energy policy and internal energy market, nuclear safeguards, and nuclear safety and protection against radiation and the adoption of the work programme for 2024

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), point (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 12 December 2023, the Commission adopted Decision C(2023) 8494 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) On 23 December 1998, the Euratom Community and the nuclear operator COGEMA (now ORANO) signed the contract “Convention pour la mise à disposition d’un laboratoire” (hereinafter the ‘Convention’), regulating the legal and financial conditions for the establishment and use of a new on-site laboratory for Euratom inspectors, the so-called ‘Laboratoire sur Site’ (LSS).
- (3) The LSS is expected to be decommissioned at the end of its operation, which according to the current ORANO reprocessing plans, will be possible in 2043 at the earliest.

¹ OJ L 193, 30.7.2018, p.1.

² Commission Decision C(2023)8494 of 12.12.2023 on the financing of actions under the prerogatives of the Commission and its specific powers in the field of energy: Support activities to the European energy policy and internal energy market, nuclear safeguards, and nuclear safety and protection against radiation and the adoption of the work programme for 2024

- (4) According to the Convention, the future decommissioning costs are borne by Euratom and the parties have committed to define the technical and financial terms for the decommissioning of LSS. Building on previous similar arrangements with other Member States³, and after obtaining ORANO's agreement, the Commission will transfer all LSS decommissioning liabilities, amounting to EUR 11 800 000, to ORANO and cover all related expenses through financing not linked to costs, established on the basis of an agreed estimate not linked to costs.
- (5) The transfer of Euratom's decommissioning liabilities is needed to protect the financial interest of the European Union from the financial risks and uncertainties related to the substantial duration remaining until the effective decommissioning of the LSS. In addition, the transfer of liabilities to ORANO aligns with Member States' best practices on liability allocation where financial, legal and technical liabilities are under the entity making decisions.
- (6) In the context of the Union's participation in the Global Methane Pledge to reduce global anthropogenic methane emissions by at least 30% by 2030, from 2020 levels, the Union should contribute to the Global Flaring and Methane Reduction Partnership ('the Fund') launched by the World Bank. The Fund is a multi-donor trust fund composed of governments, oil companies, and multilateral organisations committed to ending routine gas flaring at oil production sites across the world and reducing methane emissions from the oil and gas sector to near zero by 2030. Due to this contribution to the Fund, the work programme for 2024 includes a new action under indirect management.
- (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)8494 should be amended accordingly,

HAS DECIDED AS FOLLOWS:

Sole Article

Decision C(2023)8494 final is amended as follows:

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

'Article 2

Union contribution

The maximum Union contribution for the implementation of the programme for 2024 is set at EUR 38 884 358 and shall be financed from the appropriations entered in the following lines of the general budget of the Union:

- (a) budget line 02 20 04 02 – Support activities for the European energy policy and internal energy market: EUR 6 762 600;
- (b) budget line 12 20 04 01 – Nuclear safeguards: EUR 28 937 521;

³ The transfer of Euratom's decommissioning liabilities has been put in place for the on-site laboratory at Sellafield (UK) and has been included in the Brexit package. A transfer of decommissioning liabilities has also been implemented in Germany, where the Federal State has taken over the radioactive waste and spent fuel liabilities of all German nuclear operators.

- (c) budget line 12 20 04 02 – Nuclear safety and protection against radiation: EUR 3 184 237;

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

- (2) The following article 2a is inserted:

‘Article 2a

Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 3 of the Annex.’

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

Done at Brussels, 18.6.2024

For the Commission
Kadri SIMSON
Member of the Commission