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COMMISSION IMPLEMENTING DECISION

of 28.10.2022

**on the financing of the annual action plan for the European Instrument for
International Nuclear Safety Cooperation for 2022**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Atomic Energy Community,

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 110 thereof,

Having regard to 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 237/2014², and in particular Article 7.

Whereas:

- (1) In order to ensure the implementation of the European Instrument for International Nuclear Safety Cooperation (INSC), it is necessary to adopt an annual financing decision, which constitutes the annual work programme, for 2022. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.
- (2) The envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures³ adopted pursuant to Article 215 of the Treaty on the Functioning of the European Union.
- (3) The Commission has adopted the Multiannual Indicative Programme for the period 2021-2027⁴, which builds on the three specific objectives as set out in Article 2 of Council Regulation (Euratom) 2021/948.
- (4) The objectives pursued by the Annual Action Plan to be financed under the European Instrument for International Nuclear Safety Cooperation are the promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety; responsible and safe management of spent fuel and radioactive waste (i.e. transport, pre-treatment, treatment, processing, storage and disposal), decommissioning and

¹ OJ L 193, 30.7.2018, p. 1.

² OJ L 209, 14.6.2021, p. 79.

³ www.sanctionsmap.eu. Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy the OJ prevails.

⁴ C(2021)8687

remediation of former nuclear sites and installations; and the establishment of frameworks and methodologies for the application of efficient and effective safeguards for nuclear material in third countries.

- (5) The action entitled "Nuclear safety culture" aims to promote an effective nuclear safety culture and implement the highest nuclear safety and radiation protection standards in the Eastern Neighbourhood, (Armenia), EU candidate countries (Turkey, Ukraine), Nigeria and ASEAN countries.
- (6) The action entitled "Safe management of spent fuel and radioactive wastes "aims to provide support in the safe management of radioactive waste and spent nuclear fuel to the Atomic Energy Organisation of Iran (AEOI) and to cooperate worldwide on the topic with the International Atomic Energy Agency.
- (7) The action entitled "Nuclear Safeguards" aims at the strengthening of the International Nuclear Safeguards Programme in multiple countries in the African continent namely South Africa and Algeria in cooperation with the African Commission on Nuclear Energy (AfCoNE).
- (8) The action entitled "Support measures" to implement the European Instrument for International Nuclear Safety Cooperation (INSC)" includes audits, evaluations, identifications, studies, meetings, communication and any other administrative or technical assistance expenditure that contribute to the sound management of the programme, to the achievement of its expected results and objectives and to the measurement, analysis and reporting on the impact.
- (9) Pursuant to Article 9 of Regulation (Euratom) 2021/948, indirect management is to be used for the implementation of the action.
- (10) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046. 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 Regulation (EU, Euratom) 2018/1046⁵ and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.
- (11) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.
- (12) According to Article 212(1) of the Financial Regulation, the provisions made to cover the financial liabilities arising from financial instruments, budgetary guarantees or financial assistance are to be held in a common provisioning fund. The appropriation under this Decision is intended to provide the financial resources for the provisioning of the common provisioning fund, for financial liability covering Euratom loans in third countries authorized under Council Decision 77/270/Euratom⁶.
- (13) Article 3(1) of Regulation (Euratom) 2021/948 provides that the implementation of this Regulation is based on consistency, synergies and complementarity with

⁵ Except for the cases referred to in Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an *ex-ante* assessment.

⁶ 77/270/Euratom: Council Decision of 29 March 1977 empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations, OJ L 88, 6.4.1977, p. 9.

Regulation (EU) 2021/947⁷ establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI). In light of this principle, recital 16 of Regulation (Euratom) 2021/948 provides that the rules and procedures laid down in Regulation (EU) 2021/947 are to apply to the implementation of Regulation (Euratom) 2021/948, while the implementing provisions under Regulation (Euratom) 2021/948 are to reflect the provisions provided for in Regulation (EU) 2021/947.

- (14) According to Article 50(1) of Regulation (EU) 2021/947, the financial envelope for NDICI is to finance the provisioning of guarantees and financial assistance authorised under basic acts whose provisioning is governed by Regulation (EC, Euratom) No 480/2009⁸. Legacy Euratom loans to third countries fall within the scope of Article 1, first paragraph, of Regulation (EC, Euratom) No 480/2009 given that they are loans granted or guaranteed by the Communities.
- (15) It is therefore appropriate that the financial envelope for INSC finances the provisioning for legacy Euratom loans in third countries authorized under Decision 77/270/Euratom.
- (16) This approach is strengthened by the possibility, under Article 10(2) of Regulation 2021/948, to provide support for new loans under the INSC, implemented under the rules applicable to the External Action Guarantee established under Regulation (EU) 2021/947 ('External Action Guarantee') and contribute to the provisioning for the External Action Guarantee.
- (17) In order to allow for flexibility in the implementation of the annual action plan, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.
- (18) The annual action plan provided for in this Decision is in accordance with the opinion of the INSC committee established by Article 15 of Regulation (Euratom) 2021/948,

HAS DECIDED AS FOLLOWS:

Article 1
The action plan

The annual financing decision, constituting the annual action plan for the implementation of the European Instrument for International Nuclear Safety Cooperation (INSC), as set out in the Annexes, is adopted.

The action plan shall include the following actions:

- Action document for nuclear safety culture 2022 set out in Annex 1;
- Action document for safe management of spent fuel and radioactive waste 2022 set out in Annex 2;
- Action document for nuclear safeguards 2022 set out in Annex 3;

⁷ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (Text with EEA relevance), OJ L 209, 14.6.2021, p. 1–78.

⁸ Council Regulation (EC, Euratom) No 480/2009 of 25 May 2009 establishing a Guarantee Fund for external actions (Codified version), OJ L 145, 10.6.2009, p. 10.

- Action document for support measures 2022 set out in Annex 4.

Article 2
Union contribution

The maximum Union contribution for the implementation of the action plan for 2022 is set at EUR 35 940 492 and shall be financed from the appropriations entered in line 14 06 01 00 of the general budget of the Union. The appropriations provided for in the first paragraph may also cover interest due for late payment.

The maximum Union contribution for provisioning of the common provisioning fund, for budgetary guarantees for Euratom loans in third countries for 2022 is set at EUR 1 123 978 and shall be financed from the appropriations entered in line 14 06 02 00 of the general budget of the Union.

The appropriations provided for in the second paragraph shall be paid into the common provisioning fund.

Article 3
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 Annexes, may be entrusted to entities or persons referred to or selected in accordance with the criteria laid down in Annexes 1, 2 and 3.

Article 4
Flexibility clause

Increases or decreases of up to EUR 5 000 000 and not exceeding 20 % of the contribution set in the first paragraph of Article 2, or cumulated changes⁹ to the allocations of specific actions not exceeding 20 % of that contribution and not representing more than EUR 5 000 000, as well as extensions of the implementation period, shall not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046 provided that these changes do not significantly affect the nature and objectives of the actions.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 28.10.2022

For the Commission
Jutta URPIAINEN
Member of the Commission

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