



External Evaluation of the Instrument for Nuclear Safety Cooperation (2014 – mid 2017)

Final Report – Vol. II

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External Evaluation of the Instrument for Nuclear Safety Cooperation

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Evaluation of the Instrument for Nuclear Safety Cooperation (INSC) Evaluation Report

The report consists of two volumes.

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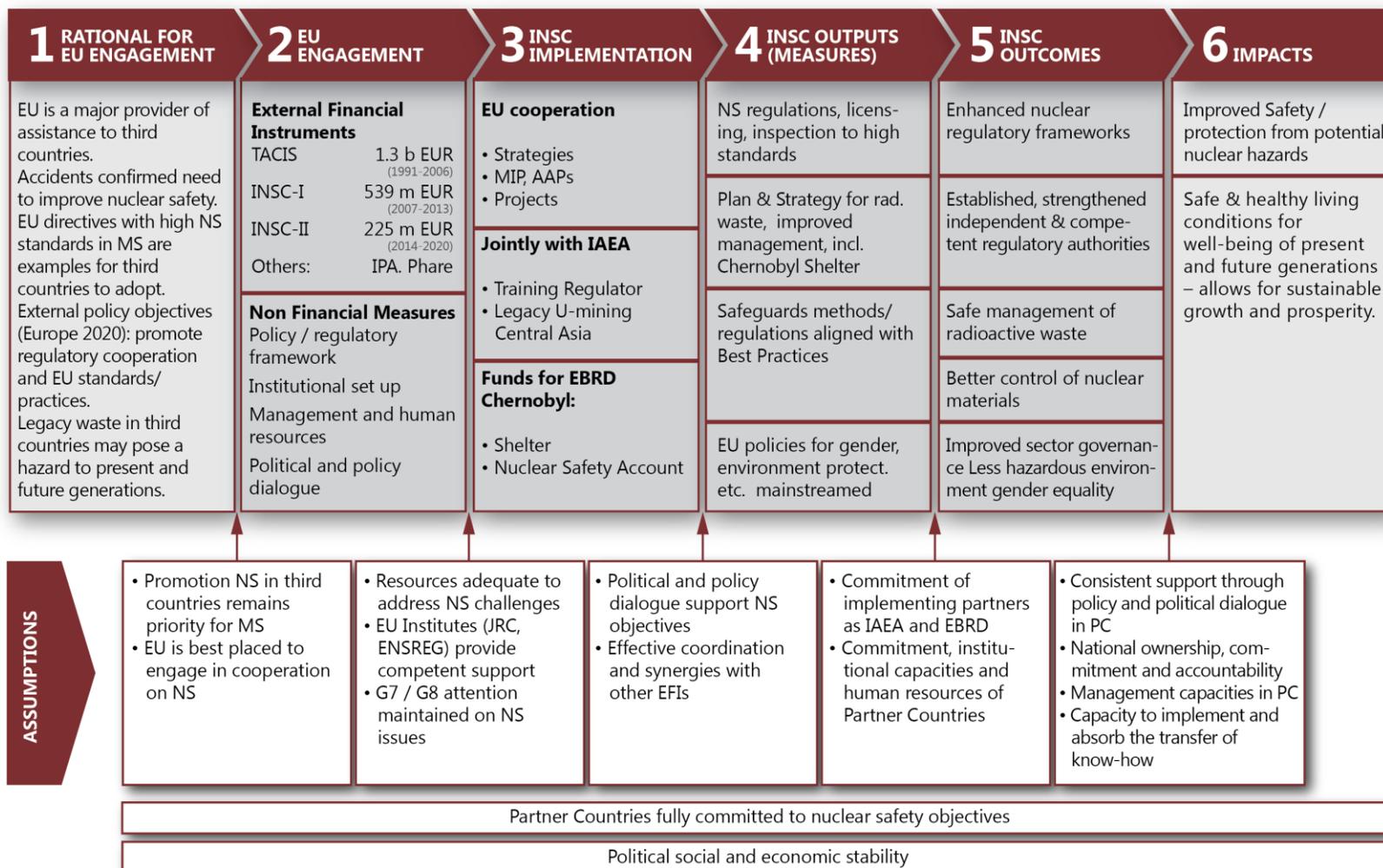
List of acronyms and abbreviations

| | |
|------------|--|
| 3S | Safety, Security and Safeguards |
| AAP | Annual Action Programme |
| AD | Action Documents |
| ADB | Asian Development Bank |
| ASEANTOM | ASEAN Network of Regulatory Bodies on Atomic Energy |
| BSS | Basic Safety Standards |
| CBRN | Chemical, Biological, Radiological, and Nuclear |
| CCC&S | Coherence, Consistency, Complementarity and Synergies |
| CCMF | Climate Change Mainstreaming Facility |
| CGULS | Coordination Group for Uranium Legacy Sites |
| CIR | Common Implementing Regulation |
| CNS | Convention on Nuclear Safety |
| CPPNM | Convention on Physical Protection of Nuclear Material |
| CRIS | Common RELEX Information System |
| CSF | Chernobyl Shelter Fund |
| DAC | Development Assistance Committee (of OECD) |
| DCI | Development Co-operation Instrument |
| DG DEVCO | Directorate-General for International Co-operation and Development |
| DG CLIMA | Directorate-General for Climate Action |
| DG ECFIN | Directorate-General for Economic and Financial Affairs |
| DG ENER | Directorate-General for Energy |
| DG ENVI | Directorate-General for Environment |
| DG GROW | Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs |
| DG JUSTICE | Directorate-General for Justice and Consumers |
| DG NEAR | Directorate-General for Neighbourhood and Enlargement Negotiations |
| DG RTD | Directorate-General for Research and Innovation |
| DG TRADE | Directorate General for Trade |
| DP | Development Partners |
| EAMR | External Assistance Management Report |
| EBRD | European Bank for Reconstruction and Development |
| EC | European Commission |
| ECA | European Court of Auditors |
| ECOSOC | United Nations Economic and Social Council |
| EDF | European Development Fund |
| EEAS | European External Action Service |
| EESC | European Economic and Social Committee |
| EFI | External Financing Instrument |
| EIA | Environmental Impact Assessment |
| EIB | European Investment Bank |
| EIDHR | European Instrument for Democracy and Human Rights |
| ENI | European Neighbourhood Instrument |
| ENPI | European Neighbourhood and Partnership Instrument |
| ENSREG | European Nuclear Safety Regulators Group |
| EP | European Parliament |
| EQ | Evaluation Question |
| EU | European Union |
| EUD | European Union Delegation |
| EURATOM | European Atomic Energy Community |

| | |
|-----------|---|
| FA | Financing Agreements |
| FS | Feasibility Study |
| FSU | Former Soviet Union |
| GD/GL | Greenland Decision |
| GPEDC | Global Partnership for Effective Development Cooperation |
| HERCA | Heads of Radiation Protection Authorities |
| IAEA | International Atomic Energy Agency |
| IcSP | Instrument contributing to Stability and Peace |
| IDB | Islamic Development Bank |
| IfS | Instrument for Stability |
| ILO | International Labour Organisation |
| INGO | International Non-Governmental Organization |
| INIR | Integrated Nuclear Infrastructure Review |
| INSC | Instrument for Nuclear Safety Cooperation |
| INSC-II | Second Instrument for Nuclear Safety Cooperation |
| IPA | Instrument for Pre-Accession |
| IRRS | Integrated Regulatory Review Service |
| ISC | Inter-Service consultation |
| ISG | Inter-Service Group |
| JC | Judgement Criterion |
| JCPoA | Joint Comprehensive Plan of Action |
| JRC | Joint Research Centre |
| JSO | Joint Support Office |
| LTO | Long-Term Operation |
| M&E | Monitoring and Evaluation |
| MAN | Management Support |
| MFF | Multiannual Financial Framework |
| MIP | Multi-annual Indicative Programme |
| MS | Member State |
| MTR | Mid-Term Review |
| NEA | Nuclear Energy Agency (of OECD) |
| NIP | National Indicative Programme |
| NPP | Nuclear Power Plant |
| NPT | Non-Proliferation Treaty |
| NRA | Nuclear Regulatory Authority |
| NRC | Nuclear Regulatory Commission |
| NS | Nuclear Safety |
| NSA | Nuclear Safety Account |
| NSD | Nuclear Safety Directive |
| NSSG | Nuclear Safety and Security Group |
| OECD | Organisation for Economic Co-operation and Development |
| OJT | On Job Training |
| OSART | Operational Safety Review Team |
| PAGODA | Pillar Assessed Grant Or Delegation Agreements |
| PC | Partner Countries |
| PI | Partnership Instrument |
| PPRD East | Prevention, Preparedness and Response to natural and man-made Disasters |
| QSG | Quality Support Group |
| RCF | Regulatory Cooperation Forum |
| RELEX | Relations Extérieures, now EEAS |
| ROM | Results-Oriented Monitoring |

| | |
|--------|--|
| RWD | Radioactive Waste Directive |
| RWM | Radioactive Waste Management |
| SAMEZ | State Agency for the Management of the Exclusion Zone |
| SEA | Strategic Environmental Assessment |
| SG | Secretariat-General of the Commission |
| SIP | Shelter Implementation Plan |
| SME | Small and Medium-sized Enterprises |
| SNRIU | State Nuclear Regulatory Inspectorate of Ukraine |
| SP | Strategic Plan |
| SSTC | State Scientific and Technology Centre (supporting SNRIU) |
| SWOT | Strength, Weaknesses, Opportunities and Threats |
| T+T | Training and Tutoring |
| TACIS | Technical Assistance to the Commonwealth of Independent States |
| TAEK | Turkish Atomic Energy Authority |
| TIPINS | TACIS-INSC-PHARE-IPA Nuclear Safety |
| ToR | Terms of Reference |
| TSO | Technical Support Organisation |
| USB | Ukraine Supervisory Board |
| WANO | World Association of Nuclear Operators |
| WENRA | Western European Nuclear Regulators Association |
| WLAHQ | External Workload Analysis |
| WNA | World Nuclear Association |

Annex 1: Instrument Intervention Logic



Annex 2: Evaluation framework and final indicator list

| |
|--|
| RELEVANCE |
| EQ 1. To what extent do the specific objectives (INSC Regulation, Article 2) and the design of the INSC respond to: |
| (i) EU priorities and beneficiary needs identified at the time the Instrument was adopted (end 2013)? |
| (ii) Current EU priorities and beneficiary needs, given the evolving challenges and priorities in international context (up to mid-2017)? |
| JC 1.1 INSC-II specific objectives and design align with EU policies/priorities at the end of 2013. |
| I-1.1.1 List of EU policies/priorities addressed by the INSC-II. |
| I-1.1.2 In how many action documents (% of selected sample) is there a clear indication of compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. |
| 1. Number of MIP indicators addressing EU principles and priorities |
| I-1.1.3 Lessons of INSC-I incorporated in INSC-II regulations while distinguishing: |
| <ul style="list-style-type: none"> • Changes related to lessons from the INSC-I impact assessment and strategy revision, and • Changes as a result of the INSC-I mid-term evaluation and other external reviews from relevant recommendations relevant |
| JC 1.2 INSC-II responds to 2013 partner's needs. |
| I-1.2.1 Instances of INSC mechanisms and procedures taking into account partners' needs (number of programming meetings, requests from new countries, and exploratory missions). |
| I-1.2.2 Number of consultations to build Annual Action Programmes (AAPs). |
| JC 1.3 INSC-II adequately identifies and responds to evolving challenges. |
| I-1.3.1 Instances of provisions both in the INSC-II regulations and its institutional set-up enabling a revision of the strategy and /or MIPs upon evolving challenges. |
| I-1.3.2 List of challenges tackled by INSC-II due to evolving situation. |
| EFFECTIVENESS, IMPACT, SUSTAINABILITY |
| EQ 2. To what extent does the INSC deliver results against the Instrument's objectives and specific EU priorities? |
| JC 2.1 INSC-II governance, mechanisms and the Commission business processes are conducive to sustaining results/ impact. |
| I-2.1.1 Number and percentage of Action documents with results supporting sector reform and capacity building (including output indicators on number of laws / regulations and number of trainees). |
| I-2.1.2 Number and % of Action Documents that address issues of financial and institutional sustainability and impacts opportunities. |
| JC 2.2 INSC analyses whether results matching objectives. |
| I-2.2.1 Number and % of Action Documents that develop measurable results framework (both at output and intermediate outcome level) (supported by list of result oriented indicators). |
| EFFICIENCY |
| EQ 3. To what extent is the INSC delivering efficiently? |
| JC 3.1 INSC resources and management systems support efficient implementation. |
| I-3.1.1 Workload assessment evaluates human resources and capacities (management, technical, administrative) in Unit B5 as adequate for the management of the Instrument. |
| I-3.1.2 Number and % of projects contracted within 12 months from the Financing Agreement. |

| |
|---|
| I-3.1.3 List of performance indicators used to monitor the programme efficiency. |
| JC 3.2 The Instrument improved its mechanisms to support implementation performances from INSC-I to INSC-II. |
| I-3.2.1 List of INSC recommendations of evaluation report and impact assessments related to improvement of performances taken into account in INSC-II. |
| I-3.2.2 Comparison of period from Action Document approval to contracting between INSC-I and INSC-II. |
| JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, environmental mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility. |
| I-3.3.1 How many action documents (number and %) in INSC- II take into account: (1) Flexibility/Speed of Delivery in contract award procedures, (2) Promoting Ownership, (3) Promoting Climate and Biodiversity Mainstreaming, (4) Promoting Human Rights and Fundamental Freedoms, (5) Promoting Effective and Efficient Implementation Methods, and (6) Promoting Visibility. |
| I-3.3.2 Comments for QSG 2014, 2015 and 2016 address issues of: 1) Flexibility/Speed of Delivery in contract award procedures, (2) Promoting Ownership, (3) Promoting Climate and Biodiversity Mainstreaming, (4) Promoting Human Rights and Fundamental Freedoms, (5) Promoting Effective and Efficient Implementation Methods, and (6) Promoting Visibility. Other EU priorities (i.e. strong institutions, preserving peace and conflict prevention) |
| VALUE ADDED |
| EQ 4. To what extent do the INSC programmes add value compared to interventions by Member States or other key donors? |
| JC 4.1 INSC adds value compared to interventions by Member States or other key donors. |
| I-4.1.1 Number of projects implemented by multiple donors, which provide added value compared to bilateral projects. <ul style="list-style-type: none"> • Number of multi-donor Actions of all 28 Action Documents; • Average number of MS and Development Partners involved in these multi-donor projects. INSC budget as compared to the sum of partners' budgets for nuclear safety projects |
| I-4.1.2 Extent to which INSC adds value in terms of specialized technical expertise; <ul style="list-style-type: none"> • Number of specialised training courses implemented (including OJT); • Number of students trained. |
| COHERENCE, CONSISTENCY, COMPLEMENTARITY AND SYNERGIES |
| EQ 5. To what extent does INSC facilitate coherence, consistency, complementarity and synergies (CCC&S) both internally between its own set of objectives and programmes and vis-à-vis other EFIs (see also INSC Regulation, Article 4)? |
| JC 5.1 The INSC set up and processes are conducive to promote CCC&S. |
| I-5.1.1 Number and % of Action Documents and ToR of INSC II taking into account issues of complementarities and synergies. |
| I-5.1.2 Number of Country strategies, AAP and project design procedures, exploratory missions, include provisions to allow a sound coordination, complementarities and synergies, including vis à vis Development Partners. |
| JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs. |
| I-5.2.1 Number of Action Documents referring to complementarities with EFIs. |
| LEVERAGE |
| EQ 6. To what extent has the INSC leveraged further funds and/or political or pol- |

icy engagement.

JC 6.1 INSC has leveraged political and policy engagement.

I-6.1.1 Instances of INSC actions leveraging political and policy engagement, including regulatory independence and competence for Partner Countries, commitment of staffing and resources, and ratification of conventions and treaties:

- Number of pieces of national Legislation brought in line with the EU acquis (in particular to be expected for countries (pre)accession and with an association agreement);
- International agreements adopted (signed or ratified).

I-6.1.2 Instances when INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety.

JC 6.2 INSC has leveraged additional funds to support Nuclear Safety.

I-6.2.1 Number of blending operations and co-financing agreements (PAGODA) promoted by INSC actions, their value and leverage ratio.

I-6.2.2 Instances of increased Partner Countries and Development Partners' financial commitments to Nuclear Safety in the period of INSC implementation.
(Increase in budget for nuclear safety in partner countries)

Annex 3: Overview of the instrument

Introduction and presentation of the Instrument

Owing to global challenges and the need for the EU to take action in this field, the EU supports the promotion of a high level of nuclear safety, radiation protection, and the application of efficient and effective safeguards for nuclear material in third countries. The geographical scope of the Instrument for Nuclear Safety Cooperation (INSC) extends to all third countries, but priority is given to accession and neighbouring countries¹.

The instrument responds to the following needs:

- preventing nuclear accidents, which have health, social, environmental and economic consequences extending well beyond national borders and potentially worldwide;
- continuing the efforts towards improving nuclear safety and achieving the highest standards;
- responding to challenges arising in the field of nuclear safety, radiation protection and nuclear safeguards;
- supporting the application of effective safeguards to nuclear materials in third countries, i.e. non-proliferation and the first line of defence to prevent access to nuclear materials by non-state actors;
- ensuring the remediation of mining sites (the legacy of uranium mining that did not respect basic environmental requirements), disposal of spent fuel, effective waste management and decommissioning of old installations².

Through the INSC the following **specific objectives** are pursued:

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

Legal basis of the Instrument

Council Regulation (Euratom) No 237/2014³ established the INSC 2014-2020 (referred as 'INSC-II') under the Euratom Treaty. The Instrument is to support the external policies of the Union and the (Euratom) Community. The EC serves both the Union and the Community and is empowered to implement the INSC-II. The EC is to ensure the consistency of external actions with the Member States in consultation with the EEAS. Euratom maintains to date its separate legal personality (Article 184 Euratom Treaty). However, Euratom is closely associated with the EU. All provisions of the EU Treaties (i.e. TEU and TFEU) also apply to the Euratom Treaty⁴, mostly concerning the institutions, legislative procedures and financial matters. Moreover, under the Euratom Treaty the European Parliament has only a consultative role in the legislative process.

¹ Commission's Funding instruments & programming.

² DEVCO, Management Plan 2015.

³ Council Regulation (Euratom) No. 237/2014 establishing an Instrument for Nuclear Safety Cooperation.

⁴ According to new Article 106a(1) of the Euratom Treaty, however the Treaty is *lex specialis* and prevails in case of conflicting rules between the provisions of the EU Treaties and its own provisions.

The INSC-II Regulation stipulates that relevant EU Directives⁵, together with the highest standards in the Community, constitute the basis for encouraging third countries to adopt similarly high standards. The objectives and priorities of INSC-II listed in this overview have been evaluated with respect to EU priorities, beneficiary needs and the evolving EU priorities in Judgement Criteria (JC) with Indicators.

Table 1: *Structure of CIR and Articles referred (left column) and not referred (right column).*

| CIR | |
|---|--|
| Referred | Not referred |
| Title I. Implementation | |
| Article 1: Subject matter and principles | |
| Actions compliant to objectives with protection of EU's financial interests. Most effective/ efficient methods and most simple procedures. | EFIs adopting the CIR. Use Partner countries' systems when possible and appropriate. Integrate EU values (democracy, rule of law, human rights, freedoms). Article 2: Adoption of Action programmes, individual & special measures |
| Article 3. Support measures | |
| Title II Provisions of the financing methods | |
| Article 4 General financing provisions | Article 6 Specific financing provisions |
| Article 5 Taxes, duties and charges | |
| Article 7 Protection of financial interests of Union | |
| TITLE III Rules on Nationality and Origin for Public Procurement, Grant and other Award Procedures | |
| Article 8 Common rules | |
| Article 9 Eligibility under DCI, ENI and PI | Article 11 Eligibility under the EIDHR and IcSP. |
| Article 10 Eligibility under IPA II | |
| Article 12 Monitoring and evaluation of actions | |
| TITLE IV Other Common Provisions | |
| | Article 13 Annual report |
| | Article 14 Climate action/ biodiversity expenditure |
| | Article 15 Involvement stakeholders third countries |
| TITLE V Final Provisions | |
| | Article 16 Committee procedure |
| Article 17 Mid-term review and evaluation | Article 18 Entry into force |
| Indicator for conformity of INSC-II Regulation with the CIR | |
| Number of CIR Articles referenced | Percentage of conformity of topical articles |
| 8.5 of 17 topical articles | 50% |

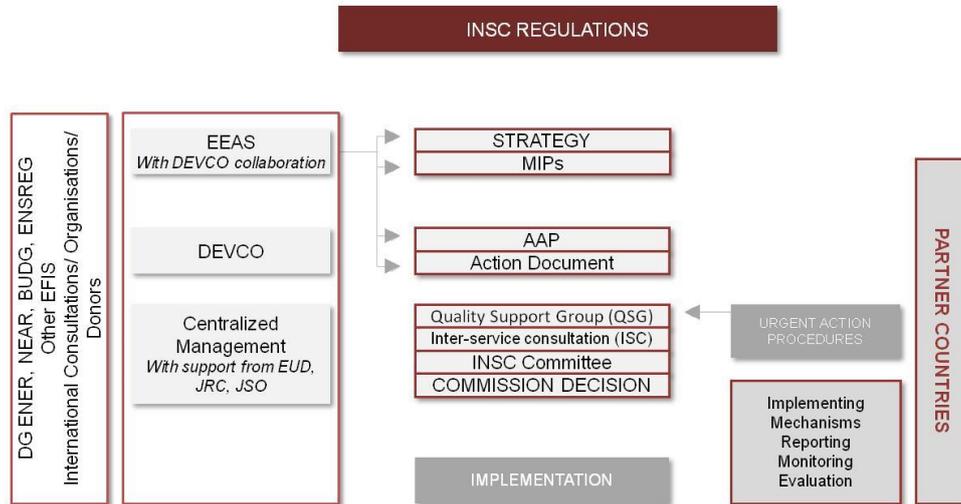
Source: prepared by the evaluation team

⁵ Basic safety standards (BSS) for radiation protection (2013), Nuclear Safety Directive (NSD) (2009 revision 2014), and the Spent Fuel and Radioactive Waste Directive (RWM) (2011).

Instrument processes

The INSC institutional set up is presented in the figure below showing the different levels of governance, the centralized management with coordination between DEVCO and EEAS, support from ENSREG and JRC, and a local level at which projects are formulated, implemented and monitored.

Figure 1: INSC Procedural chart



Source: prepared by the evaluation team

Financial programming

Table 2: Financial programming⁶

| Legal Basis | Period of application | Reference Amount (EUR million) |
|--|-----------------------|--------------------------------|
| Council Regulation (Euratom) No. 237/2014 of 13 December 2013 establishing an Instrument for Nuclear Safety Cooperation | 2014 - 2020 | 225.3 |

Source: Draft general budget of the European Commission for the financial year 2016.

Table 3: Financial programming

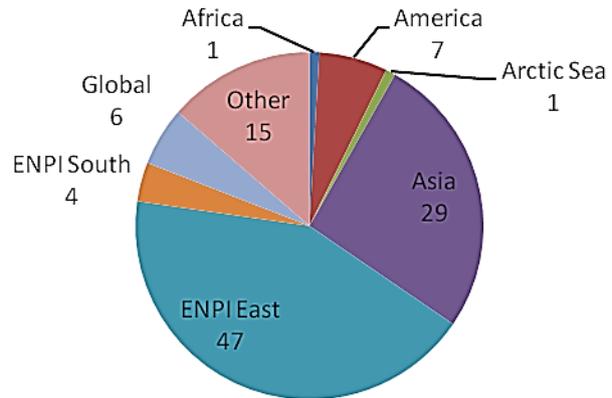
| Financial Programming (EUR million) | | | | | | | | |
|-------------------------------------|------|------|--------|------|------|------|------|-------|
| | 2014 | 2015 | DB2016 | 2017 | 2018 | 2019 | 2020 | Total |
| Administrative support | 1.2 | 1.4 | 1.4 | 1.4 | 1.5 | 1.5 | 1.5 | 9.9 |
| Operational appropriations | 29.3 | 59.7 | 70.4 | 60.9 | 31.5 | 32.2 | 31.4 | 315.4 |
| Total | 30.5 | 61.2 | 71.8 | 62.3 | 33.0 | 33.6 | 32.9 | 325.3 |

Source: Draft general budget of the European Commission for the financial year 2016.

⁶ EUR 100 million were also received from Reserve Header IV.

Geographical scope of INSC-I

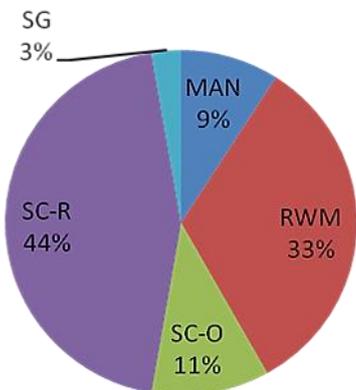
The currently ongoing projects are mostly defined and programmed under INSC-I and do not fully reflect the changed priorities as set by INSC-II. For example more focus on neighbourhood, decommissioning and remediation legacy waste mining sites are not yet reflected in this overview. However, the overview is included as it gives an appreciation of the geographic scope. The ongoing projects (December 2016) under INSC have a high predominance of projects located in the Neighbourhood - East region with 43% of the total (Armenia, Belarus, Georgia and Ukraine), followed to a lesser extent by Asia with 26% of the total (China, Iraq, Iran, Kyrgyzstan, Mongolia, Philippines, Thailand, Tajikistan, Turkey, Uzbekistan, Vietnam and several regional projects in Central and South East Asia). The database also contains seven projects in America (Brazil, Brazil/Argentina and Mexico), four in the Neighbourhood- South region (Egypt, Jordan and Morocco), one in sub-Saharan Africa and one in the Arctic Sea. 15 projects have been clustered under the "Other" category and include training, tutoring and transfer of methodology, and the remaining six projects are on a global scale.



Objectives addressed by INSC-I

Each project has been clustered under one of the objectives to be addressed:

| Objective | Thematic sector | | |
|--|------------------------------|------|-----|
| 1 | Nuclear Safety Culture | | |
| a. | Regulator Support | SC-R | 44% |
| b. | Operator Support | SC-O | 3% |
| 2 | Radioactive Waste Management | RWM | 11% |
| 3 | Safeguards (Including EP&R)* | SG | 3% |
| - | Management Support | MAN | 9% |
| Note: * EP&R: Emergency Preparedness & Response | | | |



Annex 4: Key methodological elements

Focus of analysis

The evaluation focuses on the overall assessment of the Instrument per se and is not focused on implementation of the Instrument at project level. Hence, the evaluation encompasses an analysis of the Instrument's design, programming, strategy, and its positioning in a wider sector context and general EU policy context from all potentially relevant angles, strengthening this analysis, where pertinent, with project-level evidence as well as a Case Study.

Challenges and limitations

The team faced significant evaluation challenges: i) most of INSC-II projects are yet in a stage of contracting or early implementation, with almost no results on the ground, which is part of the project cycle, ii) an unusually tight timeline for the evaluation of an instrument, iii) limited availability of external sources of evidence, and iv) no field work foreseen by the evaluation terms of reference.

Approach and methodology, the evaluation of INSC builds its findings based on evidence, and uses both quantitative and qualitative methods for data collection. In consideration of the nature of the evaluation a significant part of data collection will be based on qualitative methods. The evaluation of the INSC-II follows closely the guidance provided by the ToR and is informed with methods and tools provided in the Better Regulation guideline, its Toolbox, and also with the evaluation roadmap for INSC-II.

The data collection tools comprise:

- Review of policy documents, normative and regulatory framework;
 - Mapping and review of Strategic documents (Regulation, Strategy, NIP, AAPs) and project documents (Action Documents of more than 130 projects and available reports for 10 sampled projects) resulting in comparative analysis of these documents as per evaluation questions, JCs and Indicators;
 - An illustrative Case Study implemented for Ukraine, as the INSC interventions in Ukraine cover all three objectives with direct and indirect schemes and represent over 40% of INSC budget (Annex 6: Case study)
- (36 interviews with European Commission staff, and quantitative analysis of documentary evidence issued from CRIS for ten sampled projects.

ROM comparative analysis

- An evaluation matrix referencing evidence to indicators and judgment criteria through a comparative analysis of AAP, ROMs reports, QSG comments, Country Evaluations and Action Documents (Annex 8: Evaluation matrix);
- Comparative analysis of available JRC reports;
- A structured Delegation Survey held by the Chapeau Contract team.
- The analysis of activities of a random sample of 26 projects was also carried out;
- The evaluation also includes a detailed study on CIR and the related assessment of the alignment of the Instrument on EU cross-cutting priorities (Annex 5: CIR Assessment)

The data collection matrix (or evaluation matrix) provides an overview of evidence related to each indicator and JC so to support data analysis and triangulation.

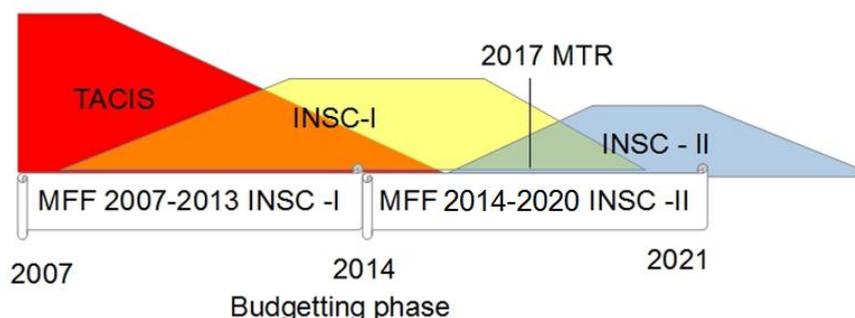
The work on filling in the evaluation matrix, specific and as detailed as possible data was elicited from reviewed documents, providing clear statements.

Annex 5: CIR Assessment

I. Preliminary statement

The INSC Instrument entered into force before the adoption of CIR. Indeed, the INSC Instrument was developed in two subsequent stages: INSC-I Regulation, applicable from 1 January 2007 until 31 December 2013, entered into force in April 2007 and subsequently replaced by INSC-II Regulation⁷, applicable from 1 January 2014 until 31 December 2020, which entered into force on 18 March 2014. CIR, equally applicable from 1 January 2014 until 31 December 2020, entered into force on 16 March 2014.

We illustrate this in the following time-line:



General Note on the INSC process with respect to Cross-cutting issues. The Action Document Template Completion, which contains a specific section on Cross-Cutting Issues (rights-based approach, gender, environment)⁸, has not been followed as regards cross-cutting issues when drafting Action Documents in 2014, 2015, and 2016.

- General Note on available documentation. None of the EAMRs of the INSC countries provides relevant information on the interplay between the Instrument and the CIR parameters.
- General Note on Interviews and perceptions on crosscutting issues. There is a general reluctance by officials outside the unit implementing the INSC Programme to comment on the Instrument on the basis of its very specific nature. The perception of a “very specific” Instrument is reinforced both by the programme texts (e.g. describing the Instrument as a “*very specific, technical Instrument dealing with nuclear safety, nuclear waste management and nuclear safeguards*”)⁹, and by the limited interaction between the unit implementing the INSC Programme and other parts of the Commission, as has transpired from reviewing cross-cutting interviews.

The evaluation team during the interviews discovered a general perception within the unit charged with implementing the INSC Programme that the Instrument is highly specific to nuclear safety objectives with limited or no relevance to cross-cutting issues. However, the exchange with the INSC project managers highlighted the full relevance of the Instrument to several EU policy priorities.

Finally, from the Desk Report Comments that were received by WG1 ENSREG, WG1 ENSREG does not seem very disposed toward integrating the cross-cutting issues in the Instrument’s objectives.

⁷ Preamble (21) of INSC-II Regulation.

⁸ Instructions for Action Document Template Completion, 7 January 2016.

⁹ Commission Staff Working Document Accompanying the Report from the Commission to the EP and the Council on the 2015 Annual Report on the European Union’s development and external assistance policies and their implementation in 2014 COM(2015) 278 final, p. 153.

- Comparison between INSC-II (2014-2016) and INSC-I (2011-2013). INSC-I and INSC-II were compared via an overall analysis of all 28 INSC-II ADs for the period of 2014-2016, and a sample analysis of 5 representative INSC-I ADs from the period 2011-2013. This sample of representative INSC-I ADs (hereinafter the “**INSC-I Sample**”) consists of the following **5 ADs**:
 - 2 nuclear safety ADs, i.e. AD for Ukraine (U3.01/11) Annex II-14 AAP2011 and AD for Training and Tutoring (MC.03/13) Annex 14 AAP2013;
 - 2 spent fuel and waste ADs, i.e. AD for Tajikistan (TJ4.01/11) Annex II-12 AAP2011) and AD for Ukraine (U4.01/11) Annex II-15 2011 AAP; and
 - 1 Nuclear Safeguard AD, i.e. AD for Brazil and Argentina (MC5.01/11) Annex II-10 2011AAP.

II. Overall Evaluation of CIR in the INSC

Contrary to the INSC-I Regulation, the INSC-II Regulation does not provide for specific implementation rules but makes a reference to the CIR Regulation in its article 9. However, the INSC-II Regulation does not state that the entire CIR Regulation applies to INSC-II but only refers to a well-defined list of articles of the CIR Regulation. This technically triggers a partial application of the CIR Regulation to INSC-II. This is in particular so as regards cross-cutting issues. Some articles of the CIR Regulation on cross-cutting issues formally apply to INSC-II (e.g. article 8.8 on core labour standards), whereas other articles of the CIR Regulation on cross-cutting issues do not apply to INSC-II (e.g. art. 2(6) of the CIR Regulation (appropriate environmental screening)). However, it has been established by the Evaluation Team that, in practice, many cross-cutting issues reflected in CIR are taken into consideration by INSC-II, even if they do not technically apply to INSC-II. This is in line with preamble (18) of the INSC-II Regulation (“*The rules and procedures laid down in Regulation (EU) No 236/2014 of the European Parliament and of the Council, should apply for the implementation of this Regulation, as appropriate*”).

Although the Instrument is responsive to CIR requirements, it could be improved from a **design** perspective.

- Firstly, it would be appropriate to formalize the current *de facto* application of CIR cross-cutting issues to the Instrument and render the entire CIR applicable to the Instrument in the Regulations in line with the spirit of INSC-II Reg. and, in particular, its preamble (18), instead of exclusively foreseeing a partial application of CIR to the Instrument, as is actually the case (see article 9 INSC-II Reg.).
- Secondly, the system of markers should be improved. Currently, the CRIS DAC FORM has 9 parameters (general policy objectives: (1) participation development/good governance, (2) aid to environment, (3) gender equality, (4) trade development, (5) reproductive, maternal, new-born and child health; and Rio Convention markers: (6) biological diversity, (7) combat desertification, (8) climate change mitigation and (9) climate change adaptation). We suggest that marker (1) participation development/good governance be split into two markers: namely, on the one hand, (1a) promotion of ownership and, on the other hand, (1b) good governance, rule of law, democracy and respect for human rights (incl. rights of disabled persons). To avoid developing a false-front, we suggest that there should be an obligation to briefly explain ticked CRIS DAC Markers in the section “cross-cutting issues”. If not, the exercise will rarely go beyond “ticking-the-box” (training of B.5 could be organised).
- Thirdly, the units charged with cross-cutting issues should be more involved in INSC.
- Finally, the Action Document Template Completion, which contains a specific section on Cross-Cutting Issues (rights-based approach, gender, environment), should be followed as regards cross-cutting issues when drafting Action Documents.

In practice, there is a general reluctance by officials outside the unit charged with implementing the INSC to get involved with the Instrument due to its very specific nature. The perception that the Instrument is “very specific” is strengthened by the programme texts (e.g. describing the Instrument as a “*very specific, technical Instrument dealing with nuclear safety, nuclear waste management and nuclear safeguards*”). Communication should be improved between the unit charged with the implementation of the INSC Programme and other units/other DGs of the Commission, as transpires from all cross-cutting interviews. Also, interviews demonstrate a lack of awareness in the unit charged with the implementation of the INSC Programme that cross-cutting issues are being dealt with. This is due to the fact that cross-cutting issues are frequently taken into consideration *de facto* without an express acknowledgement or credit for it.

Notwithstanding these perceptions, an analysis of 6 relevant cross-cutting issues identified by CIR underscore that, in practice, INSC-II responds satisfactorily to CIR requirements:

- The Contract award procedures follow average Commission standards and have likely improved with the decreasing number of financial agreements since 2015.
- The Action Documents usually highlight the exceptions that are available to the nationality and origin rules, which, in practice, do not represent obstacles to contract award procedures.
- Promoting ownership is acknowledged as a significant objective of the actions and is generally highlighted in the Instrument’s design and practice.
- Cross-cutting environmental issues are available, especially considering nuclear safety culture objectives. In particular, the safe transport, treatment, and disposal of spent nuclear fuel and radioactive waste, as well as decommissioning and remediation actions that inherently promote environmental protection and biodiversity. However, the Instrument’s cross-cutting environmental issues are not sufficiently acknowledged or made visible, both in design and practice.
- Human rights and fundamental freedoms, the rule of law and democracy are sufficiently taken into account by the Instrument’s design and practice, in particular the EU’s dual track approach and gender mainstreaming awareness.
- Financial flexibility is adequate, given the opportunities to engage in donor coordination, parallel and joint co-financing, multi-donor funds, etc., even though the possibility of blending is not highlighted expressly in the Instrument nor used in practice.
- Internally, the work division is characterized by high pressure, which nevertheless is being addressed by a variety of measures. Externally, coordination with other donors seems to be at an appropriate level in the Instrument’s design and in practice.
- The Instrument and practice sufficiently promote EU visibility.

Finally, a key point is a correct balance when applying CIR to INSC-II. Cross-cutting issues are by their very nature “cross-cutting” and therefore not primary issues. Even though attention needs to be paid to cross-cutting issues, they remain secondary to the Instrument’s nuclear safety objectives. The following points need to be considered: Firstly, when applying CIR to INSC-II, a correct balance needs to be struck on a case-by-case basis between the promotion of ownership, and the promotion of EU visibility. Too much ownership promotion can hamper EU visibility, whereas too much EU visibility can be an obstacle for ownership. This needs to be assessed on a case-by-case basis. Secondly, when applying CIR to INSC-II, the right balance needs to be struck between promoting human rights, rule of law and democracy, on the one hand, and promoting the INSC-II nuclear safety objectives, on the other hand. Too much emphasis on human rights, the rule of law and democracy can jeopardise the Instrument’s specific nuclear safety objectives, whereas an approximation exclusively through nuclear safety collaboration can enable a gradual introduction of human rights awareness at a later stage. Again, this needs to be assessed on a case-by-case basis.

III. Comparison of INSC-I and INSC-II regarding each of the 6 parameters

(1) Flexibility/Speed of Delivery in contract award procedures (arts. 8-11 CIR)

-To what extent have the nationality and rules of origin requirements of the CIR increased the untying of aid for the Instrument, compared to its predecessor?

The nationality and origin rules do not represent obstacles in contract award procedures. Although INSC-II highlights the exceptions to these rules to a larger extent than INSC-I, in practice, this does not create a difference due to the nature of the Instrument, which frequently involves a transfer of EU know-how and is, therefore, not prone to exceptions to nationality rules.

The INSC-I Regulation addresses nationality rules and rules of origin in its art.14. The INSC-II Regulation does not provide for any specific implementation rules anymore but in its art.9, it simply refers to arts.8 and 9 CIR. Hence, the common nationality and origin rules of art.8 CIR apply to INSC. Furthermore, even though art.9 CIR expressly limits its scope to DCI, ENI and PI, INSC-II Regulation stretches these eligibility rules by analogy to INSC. We refer to the Appendix on Nationality and Origin Rules applicable under both INSC-I and INSC-II.

In INSC-projects, untying usually applies when the management is delegated to other donor organisations or entities, using their own procurement rules, e.g. the environmental fund for Central Asia, managed by the EBRD, or Action Documents managed by the IAEA. Speed/flexibility of delivery in contract award procedures follows average Commission standards and has probably improved with the decreasing number of financial agreements since 2015¹⁰. Exceptions to the origin rule for supplies are not frequently made. Overall, in consideration that the INSC is a small Instrument, the cooperation with Commission's financial unit is relatively smooth and there are monthly meetings between the project managers and the financial unit. The levels of flexibility and performances in delivery are satisfactory and improving. Time overrun is often caused by partner countries' delays.

(2) Promoting Ownership

-To what extent has the use of country systems per Instrument increased, compared to the situation prior to 2014 (i.e. art. 1(5) CIR)?

-To what extent have stakeholders in the beneficiary country, such as civil society and local authorities, played a meaningful role in the preparation, implementation, monitoring and evaluation of actions (i.e. arts. 4(11) and 15 CIR)? Tools, timely access to relevant information given to stakeholders, better targeting and designing of actions.

-To what extent has the participation of local contractors increased since 2014 (i.e. art.8 (6) CIR)?

Note of the evaluation: The variables dealt with in the three questions represent important dimensions of ownership. However, the analysis of ownership, as a principle of aid effectiveness, should not be narrowed to these points but broadened to full appropriation by beneficiaries of expected results and objectives, and the provision of political, policy, institutional and budgetary conditions to achieve intended goals.

According to the staff of the unit dealing with the implementation of the INSC Programme¹¹, that there have not been significant changes from INSC-I to INSC-II with regards to the pro-

¹⁰ Interview with Staff of the European Commission.

¹¹ Interview with Staff of the European Commission.

motion of ownership. Yet they acknowledge that the evolution within the Instrument from assisting operators and regulators in the early years of INSC-I towards exclusively assisting regulators has implicitly increased good governance. Although it already existed during INSC-I, the promotion of ownership has been more extensively expressed on paper (e.g. in the Action Documents).

INSC-I Reg. only provides in its art.2, last §, that the Commission has to ensure that the measures adopted are consistent with the objectives of the Commission's development and economic cooperation policies and programmes adopted pursuant to articles 179 and 181a of the EC Treaty (*inter alia* strengthening scientific and technological knowledge, foster research centres, developing and consolidating democracy and the rule of law, human rights and fundamental freedoms). Art. 5.4 INSC-II Reg is straightforward in promoting ownership, stating that preparation of the Strategy Paper shall be subject to the principles of aid effectiveness: national ownership, partnership, coordination, harmonisation alignment to recipient country or regional systems, mutual accountability and results orientation. Technically, art.8.6 CIR (participation of local contractors) and 4.11 CIR (participation of local and regional contractors) apply to INSC-II projects, whereas art.1(5) CIR (promotion of the use of partner country systems) and art.15 CIR (involvement of stakeholders of beneficiary countries) do not apply to INSC-II actions (art.9 INSC-II Regulation).

In practice, due to the very nature of nuclear safety actions, specialized nuclear safety local contractors are rarely available on the local market. Also, many projects involve the transfer of EU know-how. However, local subcontractors are frequently used, both for translation purposes and technical advice purposes.

(3) Promoting Climate and Biodiversity Mainstreaming (arts. 2(6) and 14CIR)

-To what extent have the actions financed under the Instrument contributed to climate related action and to biodiversity conservation?

-To what extent have the EIA and SEA involved interested stakeholders and ensured public access to their results?

-Have the conclusion of EIA and SEA been addressed in projects being devised?

The Instrument's main contribution to cross-cutting issues relates to the preservation of the quality of the environment.

Cross-cutting environmental issues are equally available under both INSC-I and INSC-II because of the very nature of the Instrument. However, in both periods, the Instrument's cross-cutting environmental issues are not sufficiently acknowledged or made visible, both from a design point of view and in practice. EIA and SEA play a very important role in INSC actions as they allow for environmental protection whilst also allowing for public consultation and local participation, i.e. indirectly promoting human rights and fundamental freedoms.

Technically art.2(6) CIR (appropriate environmental screening, including for climate change and biodiversity impacts, comprising EIA and SEA, in which interested stakeholders are involved and the results of which are publicly accessible) and art. 14 CIR (climate action and biodiversity expenditure according to the OECD Rio Markers or Instrument-specific methodologies) do not apply to INSC-II (art.9 INSC-II Regulation).

In practice, however, nuclear safety culture objectives and, in particular, the safe transport, treatment and disposal of spent nuclear fuel and radioactive waste as well as decommissioning and remediation actions (art.2 INSC-I and, in a more detailed fashion, arts. 2.2 and 3.2 INSC-II) inherently promote environmental protection and biodiversity. The DEVCO's 2015

Management Plan acknowledges in the INSC intervention logic the need for a prevention of nuclear accidents as they have, *inter alia*, environmental consequences extending way beyond national borders and potentially worldwide¹². This objective is also highlighted in the INSC-II Strategy Paper 2014-2020¹³, the INSC-II Multi-annual Indicative Programme 2014-2017¹⁴ and the INSC-II 2014, 2015 and 2016 AAP Implementing Decisions. It was already considerably highlighted in INSC-I Revised Strategy Paper 2010-2013¹⁵ and the INSC-I Indicative Programme 2010-2011¹⁶. According to the Final External Evaluation of INSC-I, “*co-operation in the areas of supporting regulatory authorities and decommissioning, radioactive waste and environmental remediation continued throughout the programme at substantial levels reflecting the highest priority attributed to them*”¹⁷.

Technically, the difference between INSC-I and INSC-II is that the latter reserves a fixed percentage of 35% of its budget to the safe transport, treatment and disposal of spent nuclear fuel and radioactive waste¹⁸. Also, whereas INSC-I Regulation only obliges awarded tenderers to respect core labour standards as defined in the relevant ILO Conventions (art.14.9 INSC-I), INSC-II Regulation refers to the CIR common award rules, which oblige them to comply with applicable environmental legislation including multilateral environmental agreements, as well as internationally agreed core labour standards (art.8.8 CIR).

The 2015 Commission Staff Working Document clearly states that all INSC projects “*contribute respectively to a safer world by promoting a nuclear safety culture worldwide, a cleaner environment in particular considering remediation activities and to the non-proliferation regime by establishing a sound nuclear material accountancy and control system*”¹⁹. Similarly, DEVCO’s 2014 Annual Report and the 2016 EU Draft Budget highlight “*drastic improvements of environmental conditions (clean water)*” from INSC’s remediation projects in Central Asian legacy uranium mining and milling activities and stresses the importance of preliminary feasibility studies, environmental impact assessments and fund direct remediation activities. They also highlight the importance of similar preventive projects in African uranium mines²⁰. DEVCO’s 2015 Management Plan reiterates this and also underlines that Ukraine needs to be supported to deal with the consequences of the Chernobyl disaster²¹.

¹² DEVCO’s 2015 Management Plan, p. 79.

¹³ Commission Implementing Decision COM(2014)3763 of 13.06.2014 on a Strategy for a Community Cooperation Programme on Nuclear Safety (2014 – 2020), p. 2 and 5.

¹⁴ Commission Implementing Decision COM(2014)3764 of 13.06.2014 on the Instrument for Nuclear Safety Cooperation Multi-annual Indicative Programme (2014 – 2017), p. 5, 6.

¹⁵ Commission Decision on the Revised Strategy for Community Cooperation Programmes in the field of nuclear Safety for the period 2010-2013 C(2009)9822 final of 8.12.2009, p. 8.

¹⁶ Commission Decision on the Indicative Programme 2010-2011 for Community Cooperation Programmes in the field of Nuclear Safety COM(2009)9820 final of 8.12.2009, p. 7.

¹⁷ Accompanying Document to the Report from the Commission to the EP and the Council on the Evaluation of the Implementation of the INSC in the period 2007-2013, Italtrend C&T, March 2014, p. 41.

¹⁸ Commission Implementing Decision COM(2014)3763 of 13.06.2014 on a Strategy for a Community Cooperation Programme on Nuclear Safety (2014 – 2020), p. 9.

¹⁹ Commission Staff Working Document Accompanying the Report from the Commission to the EP and the Council on the 2015 Annual Report on the European Union’s development and external assistance policies and their implementation in 2014 COM(2015) 278 final, p. 153.

²⁰ DEVCO’s 2014 Annual Activity Report, p. 27 and 58; 2016 EU Draft Budget Report, p. 436.

²¹ DEVCO’s 2015 Management Plan, p. 78.

(4) Promoting Human Rights and Fundamental Freedoms (arts. 1(6) and 4(2)§3CIR)

- To what extent has the promotion of democracy, the rule of law and respect for human rights and fundamental freedoms been included in the design of actions?
- To what effect (e.g. greater financial resources, rights-based design of actions and implementation).
- To what extent has gender mainstreaming been included in the design of actions?
- To what effect (e.g. greater financial resources, rights-based design of actions and implementation).
- To what extent have actions on access for disabled persons been included in the design of actions? (art. 2(7)CIR) To what effect (e.g. greater financial resources, rights-based design of actions and implementation)?

Human rights and fundamental freedoms, the rule of law and democracy are sufficiently taken into account by the Instrument's design and practice, in particular the EU's dual track approach (whereby the EU supports civil society goals in the wake of nuclear safety negotiations under INSC), observed during both INSC-I and INSC-II. However, gender mainstreaming awareness has increased since INSC-II.

INSC-I Regulation provides in its art.2, last §, that the Commission shall ensure that the measures adopted are consistent with the European Community's objectives of its development and economic cooperation policies and programmes adopted pursuant to articles 179 and 181a EC Treaty, which include developing and consolidating democracy and the rule of law, and to the objective of respecting human rights and fundamental freedoms. Both the INSC-I Regulation (art.14.9 INSC-I) and the INSC-II Regulation (referring to art. 8.8 CIR) oblige awarded tenderers to comply with internationally agreed core labour standards (art.8.8 CIR). ILO Conventions contain standards for gender equality, vocational rehabilitation and employment and a Declaration on Fundamental Principles and Rights, including ILO core labour standards, conventions on freedom of association and collective bargaining, elimination of forced and compulsory labour, elimination of discrimination in respect of employment and occupation and the abolition of child labour. Technically, Art.4.2§3 CIR applies to INSC-II projects, whereas art.1(6) CIR (promotion, development and consolidation of the principles of democracy, the rule of law and respect for human rights and fundamental freedoms, implying dialogue and cooperation with partner countries and regions) and art. 2(7) CIR (accessibility for disabled persons) do not apply to INSC-II projects (art.9 INSC-II Regulation).

DEVCO's 2015 Management Plan commits to promoting human rights, democracy and other elements of good governance²². Even though the Instrument is not directly relevant to human rights issues, if one takes human rights issues up to the level of the INSC's objectives, it is patent that objectives nr. 1 and 3 of the INSC (nuclear safety and nuclear safeguards) foster safe living conditions, whereas objective nr.2 of the INSC (waste management, spent fuel, decommissioning and remediation) foster safe living conditions for future generations. DEVCO's 2015 Management Plan commits to action for the economic empowerment of women²³. The Commission adopted its Joint Staff Working Document on Gender Equality and Women's Empowerment in September 2015²⁴. Commission staff provided information on a database under development for Training and Tutoring projects, which collects data on the trainees distinguishing age, gender, origin and position within NRA/TSO (possibly also Waste storage facilities). The trainee gender ratio for 2015/2016 was 70%male/30% female²⁵. The

²² DEVCO's 2015 Management Plan, p. 11.

²³ DEVCO's 2015 Management Plan, p. 12.

²⁴ Joint Staff Working Document on Gender Equality and Women's Empowerment SWD(2015) 182 final "Transforming the Lives of Girls and Women through EU External Relations 2016-2020 Brussels" of 21 September 2015. We note that DEVCO's 2015 Management Plan, also commits to improving gender balance internally (p. 113).

²⁵ Given that the first and second phase of the Training and Tutoring projects are completed, the database only starts as of the third phase of the projects (e.g. MC 3.01/13).

Case Study confirmed that INSC provides hospital equipment for the examination of children and pregnant women and that an estimate of 4,000 patients has been examined to date²⁶. The Instrument is not directly relevant to issues relating to disabled persons²⁷. However, some social projects are aimed at assisting vulnerable persons in civil society.

(5) Promoting Effective and Efficient Implementation Methods

-Has the use of innovative Instruments (loans, guarantees, blending, etc.) increased (volume)? Arts. 4(1)(e) and 4(3) CIR. Did they create a leverage effect?

-Has there been an increase (volume) in use of more coordinated methods of working (i.e. division of labour) since CIR rules have been in place (art. 4(9) CIR)?

Firstly, INSC-I and INSC-II projects did actively foster innovative financial Instruments (mostly multi-donor funds in the waste and environmental remediation projects, e.g. Chernobyl Shelter Fund and the Nuclear Safety Account). Secondly, on donor coordination, there is a clear difference between INSC-I, prior to CIR, and INSC-II, after CIR. Under INSC-II, donor coordination has more expressly been given shape and many additional structures have been put in place to ensure the donors themselves deal with donor management and the avoidance of duplication (e.g. CGULs)

INSC-I Reg. expressly lists all types of financing, that it contemplates, including grants and debt-relief programmes (art. 8 INSC-I). Arts. 4.1(e) and 4.3 CIR technically apply to INSC-II (art.9 INSC-II Reg.), which allow for financial Instruments such as loans, guarantees, equity or quasi-equity, investments or participations and risk-sharing Instruments, whenever possible under the lead of the EIB, a multilateral European financial institution (e.g. EBRD) or a bilateral European financial institution (e.g. bilateral development banks, possibly pooled with additional grants from other sources) to the extent that they comply with EU objectives, standards and policies, as well as best practices on the use and reporting on EU funds. The Strategy Paper 2014-2020 supports the possibility of co-funding with MS and/o regional/multinational entities²⁸. The INSC-II Multi-annual Indicative Programme 2014-2017 also promotes grants, co-financing or joint projects²⁹. Co-financing was already contemplated by INSC-I (see the INSC-I Revised Strategy Paper 2010-2013³⁰ and the INSC-I Indicative Programme 2010-2011³¹). The Final External Evaluation of INSC-I highlighted the importance of co-financing and joint management with the IAEA and coordination through the G8 Nuclear Safety and Security Group (NSSG)³².

INSC does not expressly contemplate blending - i.e. the combination of EU grants with loans or equity from public and private financiers - even though the Agenda for Change acknowledges blending as an important vehicle for leveraging additional resources and increasing the impact of EU aid (e.g. investment grant & interest rate subsidy, reducing the initial investment and overall project cost for the partner country; technical assistance - ensuring the quality, efficiency and sustainability of the project; equity and quasi-equity risk capital, attracting additional financing and guarantees, unlocking financing for development by reducing risk). However, DEVCO's 2015 Management Plan³³ recommends the use of blending to lev-

²⁶ Case Study interview with Staff EU Delegation in Kiev.

²⁷ Interview with Staff of the European Commission.

²⁸ Commission Implementing Decision COM(2014)3763 of 13.06.2014 on a Strategy for a Community Cooperation Programme on Nuclear Safety (2014 – 2020), p. 7.

²⁹ Commission Implementing Decision COM(2014)3764 of 13.06.2014 on the Instrument for Nuclear Safety Cooperation Multi-annual Indicative Programme (2014 – 2017), p. 7.

³⁰ Commission Decision on the Revised Strategy for Community Cooperation Programmes in the field of nuclear Safety for the period 2010-2013 C(2009)9822 final of 8.12.2009, p. 9.

³¹ Commission Decision on the Indicative Programme 2010-2011 for Community Cooperation Programmes in the field of Nuclear Safety COM(2009)9820 final of 8.12.2009, p. 9,10.

³² Accompanying Document to the Report from the Commission to the EP and the Council on the Evaluation of the Implementation of the INSC in the period 2007-2013, Italtrend C&T, March 2014, p. 28-30.

³³ DEVCO's 2015 Management Plan, p. 7

erage additional funds and refers to the Commission's Communication COM(2014) 263 final, in which it proposes a systematic engagement with the private sector to harness its potential as financing partner. The Commission acknowledges that blending EU grants with other sources of development finance has already proved to be a successful way to increase access to finance, for example through guarantee facilities and microfinance funds³⁴. In addition, the Commission recognises blending as an important vehicle for leveraging additional resources for development and increasing the impact of EU aid³⁵. Flexibility has increased in the sense that INSC-I used to work on the basis of financial agreements, whereas projects under INSC-II often work without financial agreements³⁶.

INSC-I allows for parallel and joint co-financing (art.10 INSC-I Reg.). Art.4.9 CIR, which applies to INSC-II (art.9 INSC-II Reg.), also allows for parallel and joint co-financing. Under joint and co-financing under INSC-I, central management of the funds by the EU appear to be common, whereas co-financing under INSC-II implies that resources are shared and pooled in such a way that the financing source cannot be identified and ex-post publicity is foreseen. The Strategy Paper 2014-2020 supports coordination with international organisations, individual Member States and other Donors, the G8 members in particular³⁷. It highlights the importance of coordination with the IAEA and its Regulatory Cooperation Forum (RCF), the G8 Nuclear Safety and Security Group (NSSG), the Global Partnership Programme and international donor funds. The INSC-II Multi-annual Indicative Programme 2014-2017 also promotes programme coordination and implementation, recommends guidelines to avoid duplication and refers to international funds such as the CSF, the Nuclear Safety Account ("NSA") and the Northern Dimension Environmental Partnership³⁸. International coordination was already considerably fostered during INSC-I, see the INSC-I Revised Strategy Paper 2010-2013³⁹ and the INSC-I Indicative Programme 2010-2011⁴⁰. In the Final External Evaluation of INSC-I⁴¹, the importance of CGULS was already highlighted as a coordination platform and clearing house for remediation activities, as well as the NSA, CSF and G8 NSSG/ G7NSSG. The envisaged internationally coordinated action is highly appropriate as this allows accumulating experience over time and from different expertise groups⁴².

(6) Promoting Visibility

-What measures have been taken to ensure EU visibility both in direct (i.e. managed by the Commission) and indirect management (i.e. managed by another, partner country or international organisation) further to the introduction of the CIR (art. 4(5) CIR)?

During both INSC-I and INSC-II, EU visibility has been relatively well promoted. In bilateral projects, visibility is usually achieved. In multi-donor projects, the European Commission faces difficulties to reach sufficient visibility levels (e.g. Case Study in Ukraine, Sliding Shelter

³⁴ Commission Communication COM(2014) 263 final "A stronger role of the private sector in achieving inclusive and sustainable growth in developing countries" of 13 May 2014, p. 9.

³⁵ Commission Communication COM(2014) 263 final.

³⁶ Indeed, in 2014, the majority of ADs were implemented through financial agreements; in 2015, approx. half of the ADs were implemented through a financial agreement and, in 2016, none of the ADs foresee a financial agreement.

³⁷ Commission Implementing Decision COM(2014)3763 of 13.06.2014 on a Strategy for a Community Cooperation Programme on Nuclear Safety (2014 – 2020), p. 6.

³⁸ Commission Implementing Decision COM(2014)3764 of 13.06.2014 on the Instrument for Nuclear Safety Cooperation Multi-annual Indicative Programme (2014 – 2017), p. 9.

³⁹ Commission Decision on the Revised Strategy for Community Cooperation Programmes in the field of nuclear Safety for the period 2010-2013 C(2009)9822 final of 8.12.2009, p. 9.

⁴⁰ Commission Decision on the Indicative Programme 2010-2011 for Community Cooperation Programmes in the field of Nuclear Safety COM(2009)9820 final of 8.12.2009, p. 9,10.

⁴¹ Accompanying Document to the Report from the Commission to the EP and the Council on the Evaluation of the Implementation of the INSC in the period 2007-2013, Italtrend C&T, March 2014, p. 26-28.

⁴² Interview with Commission Staff.

Chernobyl)⁴³. Overall there is the impression that the Instrument is doing a very important job that is often, though not adequately, communicated⁴⁴.

INSC-I Reg. does not provide for any rules on visibility. Art.4.5 CIR, which applies to INSC-II (art.9 INSC-II Reg.), fosters visibility for EU financial support, including visibility requirements on recipients of EU funds. Similarly, whereas the INSC-I Revised Strategy Paper 2010-2013 and the INSC-I Indicative Programme 2010-2011 do not provide any visibility measures, the Strategy Paper 2014-2020 expressly states that “*special attention will be paid to the visibility of the actions under this Strategy*”⁴⁵. Importantly, in 2014, all Action Documents foresee an explicit amount of the budget for communication and visibility within the AD’s budget, whereas in 2015 and 2016, the Action Documents do not foresee such explicit amount but foresee that a separate budget decision is to be taken on communication and visibility outside of the AD’s budget. Summary 2014 AAP and Summary 2015 have a special chapter on Communication and Visibility, which is literally copied in the Action Documents. Visibility has often been at the heart of the debate in QSG meetings on the Instrument, more so under INSC-II than INSC-I.

IV. Key Recommendations

(1) Should CIR be simplified? (Common feedback from beneficiaries)

No. However, as regards INSC-II, it would be appropriate to formalize the current *de facto* application of CIR cross-cutting issues to the Instrument and render the entire CIR applicable to the Instrument instead of exclusively foreseeing a partial application of CIR to the Instrument.

(2) Does the scope of CIR meet current and future INSC implementing needs? (Common feedback from beneficiaries)

Yes. However, the system of markers should be improved. Currently, the CRIS DAC FORM uses 9 parameters (general policy objectives: (1) participation development/good governance, (2) aid to environment, (3) gender equality, (4) trade development, (5) reproductive, maternal, new-born and child health; and Rio Convention markers: (6) biological diversity, (7) combat desertification, (8) climate change mitigation and (9) climate change adaptation). We suggest that the marker (1) participation development/good governance be split into two markers, namely, on the one hand, (1a) promotion of ownership and, on the other hand, (1b) good governance, rule of law, democracy and respect for human rights (incl. rights of disabled persons). To avoid window-dressing, we suggest that there be an obligation to briefly explain ticked CRIS DAC Markers in the section “cross-cutting issues”. Otherwise the exercise frequently rarely goes beyond “ticking-the-box”. Staff of the unit charged with the implementation of the INSC should receive some brief training on cross-cutting issues and the correct marking of the Action Documents in this respect. European Commission units dealing with cross-cutting issues should be more involved in INSC. It is important that the Instrument, project managers and nuclear safety stakeholders address EU policy priorities not as an administrative compliance to CIR (often perceived as an additional burden) but as important contributions of the cooperation effort. These need to be built into strategy, programming, project design and monitoring. Cross-cutting issues and EU priorities should be discussed at INSC Committee level.

⁴³ Case Study interview with Staff of the EU Delegation in Kiev.

⁴⁴ Interview with Commission Staff..

⁴⁵ Commission Implementing Decision COM(2014)3763 of 13.06.2014 on a Strategy for a Community Cooperation Programme on Nuclear Safety (2014 – 2020), p. 7.

(3) Does CIR create unintended benefits or problems?

A correct balance is needed when applying CIR to INSC-II. Even though attention needs to be paid to cross-cutting issues, they remain secondary to the Instrument's nuclear safety objectives. The following points need to be considered: When applying CIR to INSC-II, a correct balance needs to be struck on a case-by-case basis between the promotion of ownership, and the promotion of EU visibility. Too much ownership promotion can hamper EU visibility, whereas too much EU visibility can be an obstacle for ownership. Also, when applying CIR to INSC-II, a correct balance needs to be struck between promoting human rights, rule of law and democracy, and promoting the INSC-II nuclear safety objectives. Too much emphasis on human rights, the rule of law and democracy could jeopardise the Instrument's specific nuclear safety objectives, whereas an approximation exclusively through nuclear safety collaboration could enable a gradual introduction of human rights awareness at a later stage. This needs to be assessed on a case-by-case basis.

V. Appendix Nationality and Origin rules

| Nationality and Origin rules | | | | |
|------------------------------|-----------------------------|---|-------------------------------------|--|
| INSC-I Regulation | | | INSC-II Regulation referring to CIR | |
| | Art. | Rule | Art. | Rule |
| Nation-ality rules | 7 14.1 14.4 INSC-I | Participation is open to (i) all natural persons nationals of, and (ii) legal persons (broadly defined, e.g. also NGO) established in <u>EU and EEA MS, INSC-I Partner Countries and IPA/ENPI Countries</u> , as well as (iii) international organisations. | 8.1 CIR + Annex INSC-II | Participation is open to (i) all natural persons nationals of, and (ii) legal persons (broadly defined, e.g. also NGO) effectively established in an <u>eligible country</u> , as well as (iii) international organisations. Any third country world-wide is eligible, with priority to EU Neighbourhood Area through country approaches, to the extent that it meets general criteria (e.g. subscription to principles of non-proliferation, adherence to International Nuclear Safety Conventions, etc.). |
| | 14.2 INSC-I | <ul style="list-style-type: none"> ●Exception for (i) all natural persons, nationals of, and (ii) legal persons established in countries having traditional economic, trade or geographical links with a beneficiary country. | 9.2a CIR | <ul style="list-style-type: none"> ●Exception for (i) all natural persons, nationals of, and (ii) legal persons established in countries having traditional economic, trade or geographical links with a <u>neighbouring</u> beneficiary country. |
| | 14.7 INSC-I | <ul style="list-style-type: none"> ●Exception for extreme urgency or unavailability of products and services a project, programme or action impossible or exceedingly difficult. | 9.2b CIR | <ul style="list-style-type: none"> ●Exception for urgency or unavailability of products and services or when eligibility rules make the realisation of a project, programme or action impossible or exceedingly difficult. |
| | 14.3 INSC-I | <ul style="list-style-type: none"> ●Exception if the country grants <u>reciprocal access to its external assistance</u>. | 8.5 CIR | <ul style="list-style-type: none"> ●N/A. |
| | 14.5 INSC-I | <ul style="list-style-type: none"> ●Exception for experts, which may be of any nationality without prejudice to qualitative and financial requirements of Community procurement rules. | | <ul style="list-style-type: none"> ●Exception for national persons employed or legally contracted by an eligible contractor or subcontractor, which may be of any nationality. |
| Origin rules | 14.6 INSC-I | All supplies and materials purchased under contracts financed by INSC-I must originate from the Community or an eligible country. The term "origin" is defined according to Community customs rules. | 8.4 CIR + Annex INSC-II | All supplies purchased under contracts financed by INSC-II must originate from an <u>eligible country (any third country world-wide is eligible, with priority to EU Neighbourhood Area through country approaches, to the extent that it meets general criteria (e.g. subscription to principles of non-proliferation, adherence to International Nuclear Safety Conventions, etc.).</u> The term "origin" is defined according to Community customs code. <ul style="list-style-type: none"> ●Exception when the amount of the supplies to be purchased is below the threshold for the use of the competitive negotiated procedure (€5,000,000 for works contracts and €400,000 for supplies and services contracts in Utilities Sectors covered by Government Procurement Agree- |

| | | | | |
|--|-------------|---|---------|--|
| | | | | <i>ments).</i> |
| Exception to nationality and origin Rules | 14.8 INSC-I | <ul style="list-style-type: none"> •In case Community <u>financing covers the operation of an international organisation</u>, participation and supplies are also open to persons and goods/services eligible under the rules of that organisation. •In case of Community <u>co-financing with a MS, regional organisation or third country granting reciprocal access</u>, participation and supplies are also open to the persons and goods/services eligible under the rules of that MS, regional organisation or third country. | 8.2 CIR | <ul style="list-style-type: none"> •In case action is implemented through <u>indirect management (according to art.58 Regulation 966/2012) by international organisations, the EIB and European Investment Fund and other bodies</u>, participation and supplies are also open to persons and goods/services eligible under the rules of these organisation or bodies. •In case of actions <u>co-financed with a partner or other donor</u> or implemented through a <u>Member State in shared management</u> or through a <u>trust fund established by the Commission</u>, participation and supplies is also open to persons and goods/services eligible under the rules of that partner, donor, MS or trust. •In case of actions <u>financed by more than one External Action Instrument (incl. EDF), the countries identified under any of those Instruments</u> are eligible for the actions. •In case of <u>global, regional or cross-border</u> actions <u>financed by one of the External Action Instruments (incl. EDF), the countries, territories and regions covered by the action</u> are eligible for the actions. •In case of actions implemented in <u>shared management, the relevant MS to which the Commission has delegated implementation tasks</u> can accept the eligibility of persons and goods/services referred to in the exceptions of arts. 8.4 and 9.2 CIR. •Due to the <u>specific nature and objectives of the action</u> and where <u>necessary for its effective implementation, restrictions may apply with regard to the nationality, geographic location or nature of applicants, in particular in the case of cross-border co-operation actions.</u> |
| | | | 8.3 CIR | |
| | | | 9.3 CIR | |
| | | | 8.7 CIR | |
| Additional nationality and origin priority rules | | N/A | 8.6 CIR | <u>Priority is given to local and regional contractors when Regulation 966/2012 provides for a single tender. In all other cases, participation of local and regional contractors is promoted.</u> |

Annex 6: Case study

1. Introduction

1.1 Purpose of the Case Study

In support of the mid-term evaluation of the Instrument for Nuclear Safety Cooperation 2014 to 2020 (INSC-II), this case study is dedicated to the interventions being programmed and implemented for a major partner country. The interventions cover two of the three INSC-II objectives⁴⁶ with overall the largest allocated budget. Additionally, INSC cooperation with Ukraine is a priority because of the proximity of the country to the EU and being a member of the Energy Community and having signed an association agreement.

Scope – time. The evaluation will cover the period 1 January 2014 to 1 June 2017 with several INSC-II interventions being defined and contracted. Implementation, outcomes and impact of INSC-I interventions in this period will also be considered.

Focus. The evaluation will focus on the regulations, procedures and implementation mechanisms of the INSC Instrument. The evaluation will analyse the INSC outcomes at country level in achieving the INSC objectives on nuclear safety culture, radioactive waste management and safeguards. To facilitate the comparison with other External Financing Instruments (EFIs), this evaluation is carried out on the basis of a collective set of Evaluation Questions shared among all EFIs to facilitate comparison and overview of the evaluations in the pursued Mid Term Report.

1.2 Background

1. Following the **dissolution of the Soviet Union** in 1990, the newly independent state of Ukraine inherited an important nuclear energy sector, the nuclear legacy site of Chernobyl, and an economy not able to compete on a more open market. The Nuclear Safety Programme of TACIS at that time supported the established Nuclear Regulator to develop their competence and legislation, assisted the operators in most urgent needs including provision of equipment, and supported bi- and multi-lateral coordinated actions to start remediating the consequences of the 1986 Chernobyl accident. The EC supported the IAEA extra budgetary programme to identify deficiencies in the Soviet designed reactors resulting in 1999 in a baseline document for the safety improvement programme for operators⁴⁷.

2. **Prominent milestones for Ukraine** on the international basis for nuclear safety and energy comprise: (i) ratification of established Conventions; on Nuclear Safety (1994), and the Joint Convention⁴⁸ (1997), (ii) the Memorandum of Understanding on the co-operation in the field of energy between EU and Ukraine (2005), (iii) contracting party of the Energy Community (2011) aimed to extend the EU internal energy market to South East Europe on the basis of a legally binding framework, and (iv) the association agreement being end 2016 in a final phase. Major achievements in establishing the national legislative framework comprise: (i) the Law "On the Use of Nuclear Energy and Radiation Safety", (ii) the Law "On Radioactive Waste Management", (iii) the Law "On Human Protection against Impact of Ionizing Radiation", (iv) the Law "On Authorization

⁴⁶ Objectives: (i) effective nuclear safety culture, (ii) responsible and safe management of radioactive waste, and (iii) efficient and effective safeguards. (see INSC Regulation No 237/2014 for full definition)

⁴⁷ Final Report of the Programme on the Safety of WWER and RBMK NPPs, 1999, IAEA, IAEA-EBP-WWER-15.

⁴⁸ On the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, 1997.

Activity in Nuclear Energy Use”, (v) the Law "On Arrangement of Issues on Nuclear Safety Assurance”.

A negotiated result led to closing the last operating unit of Chernobyl Nuclear Power Plant in 2000 and a Euratom loan for upgrading the two power units under construction⁴⁹ to internationally accepted safety standards providing an example for the other reactors. In 2015, the four operating Nuclear Power Plants (NPPs)⁵⁰ produced over 55% of the domestic needs for electricity.

3. The nature of the EC cooperation on nuclear safety after addressing the most urgent needs shifted gradually to ‘soft assistance’ promoting the safety culture with transfer of methods and practices. And ultimately to terminate support to operators of nuclear power plants with the exception of duly justified cases (INSC-II Regulation Article 2 and 3, Annex) as “... follow-up measures of a comprehensive risk and safety assessment” (Stress Test). Safety as being the absence of incidents and accidents is hard to measure, hence defining metrics as indicators for achieving progress on establishing a high safety culture is a special challenge.

4. With a view of a closer integration with **the EU energy market**, a Euratom/EBRD loan has been granted to support the implementation by Energoatom of the Comprehensive (Integrated) Safety Improvement Programme. Loan agreements of EUR 600 million (split 50/50) were signed in 2013 with the EBRD and Euratom for safety upgrades of the 15 nuclear units in operation in Ukraine. The completion is planned by the end of 2017. The loan pre-conditions were successfully reviewed by the end of December 2014 by Euratom and EBRD and first disbursement took place in 2015.

5. On 21 March, Ukraine signed the political provisions of the **Association Agreement**. On 16 September 2014, the Association Agreement was ratified by the Ukrainian Parliament and consent given by the European Parliament, enabling the provisional application of the relevant provisions of the Association Agreement on 1 November 2014 and of the provisions of the Deep and Comprehensive Free Trade Agreement (DCFTA) on 1 January 2016. Energy provisions, including those commitments in the context of the Energy Community Treaty, are an important part of the Association Agreement. The country needs to fully use its membership in the Energy Community and to swiftly implement the 3rd EU Legislative Energy Package - the progressive integration into the EU energy market will help to improve the competitiveness and sustainability of the Ukrainian energy market and bring long-term competitive and affordable energy prices to consumers in Ukraine. This will also bring incentives for energy efficiency improvements and protect Ukraine's energy security by ensuring diversification of supply sources.

6. On the occasion of the installation of the **New Safe Confinement**⁵¹ above Unit 4 of the Chernobyl nuclear power plant, the High Representative of the Union for Foreign and Security Policy/Vice-President of the Commission, the Vice-President for Energy Union, the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, the Commissioner for International Cooperation and Development, and the Commissioner for Climate Action and Energy issued the following statement:

“Today marks a major milestone on the long road of efforts undertaken by Ukraine and the international community to make the Chernobyl site environ-

⁴⁹ Often referred to K2R4 being Khmelnytsky NPP unit 2 and Rovno NPP Unit 4 in operation both in 2004.

⁵⁰ Comprising 15 power units (13 VVER-1000, 2 VVER-440/213) with total installed capacity of 13.8 GW.

⁵¹ Joint Statement on the New Safe Confinement at the Chernobyl Nuclear Power Plant, Brussels, 29 November 2016.

mentally safe again. It also reminds us - 30 years after the nuclear accident the consequences of which are still affecting the people of Ukraine, Belarus and neighbouring countries – that nuclear safety was and remains a very serious matter that deserves our continuous international attention and action to prevent any further disasters.

This new confinement is an unprecedented work of engineering funded by the Chernobyl Shelter Fund, which is managed by the European Bank for Reconstruction and Development (EBRD) on behalf of the international donors.

The European Union is the largest donor to this fund and has committed so far around EUR 750 million to Chernobyl-related projects. Our work has also focused on socio-economic actions to improve the living conditions of the first victims of the 1986 catastrophe, who are still affected by the consequences of their significant exposure to radioactivity.

The European Union is committed to further improve nuclear safety worldwide and will continue to work with Ukraine, the EBRD, G7 countries and other international donors to ensure that projects in Chernobyl and in the areas affected by the accident are brought to a successful conclusion.”

The construction of the Dry Interim Spent Fuel Storage Facility is underway in the Chernobyl Exclusion Zone, and will be completed at the end of 2017. Activities related to the Centralized Spent Fuel Storage Facility to ensure storage of spent nuclear fuel of Ukrainian NPPs have been however delayed and completion could be postponed.

2. Overview of nuclear safety cooperation EU and Ukraine

Agreements, actors, and mechanisms at the basis of the nuclear safety cooperation are presented with their direct involvement and current challenges.

2.1 Agreements, associations and directives supportive to INSC cooperation

2.1.1 European and national agreements, agencies, associations and directives

The agreements concern treaties, associations and conventions with relevance to the nuclear safety cooperation concerning the EU-Ukraine bilateral relation and of wider significance:

- **7. Memorandum of Understanding (MoU) on energy co-operation between the EU and Ukraine** (2005) sets out how energy markets can be brought closer together. Strategic road maps cover (1) nuclear safety; (2) electricity and gas markets; (3) security of supply and transit of hydrocarbons; (4) coal sector; and (5) as supplemented in 2008; energy efficiency and promotion of renewable energies. Challenges faced include interruption of gas supplies, shortage of coal, often linked to the very difficult political, economic, social context. The Energy Community (2011) elaborates on these topics.
- **8. EU - Ukraine Association Agreement** (signed by Ukraine in 2014) pending approval of one EU member state. This agreement intensified the harmonisation of Ukrainian nuclear laws to the EU Acquis, and IAEA / WENRA reference levels are essential for the Regulator (SNRIU) to pursue the highest international safety standards on nuclear and radiation safety. Council Directives on radiation protection, nuclear safety, and transport (see below) are planned to be transposed to Ukrainian Law.
- **9. Energy Community Treaty** (2006) aims to extend the EU's internal energy market to South-Eastern and the Black Sea region including Ukraine. Armenia, Geor-

gia, Norway, and Turkey have status as ‘observer’. Among the topics pursued are investments in power generation and networks for energy security, energy market integration with cross border trading, and improved environment. As the Treaty signed in 2006 expires in 10 years, an extension is due shortly. The EC created the Support Group for Ukraine (SGUA) in March 2014 to promote political and economic reform needed to stabilise the country. The budget may be over EUR 10 billion and reforms of the energy sector is also focused. Although Ukraine reaffirmed its commitments to the Treaty in 2014 when chairing the community, the annual report⁵² notes a rather slow progress. More actions are needed to take advantage of incentives for energy efficiency and security in the next ‘Energy Package’ possibly bringing energy prices at affordable level and respect to the environment. However, the urgency seems not to be shared by all Ukrainian institutions.

10. Council Directives relevant for nuclear and radiation safety concern the following:

- **‘Basic Safety Standards’ (BSS)**, laying down basic safety standards for protection against the dangers arising from exposure and superseding earlier directives, Directive 2013/59/Euratom. The BSS is well harmonised and coordinated with the IAEA Safety Standard⁵³.
- **‘Nuclear Safety Directive’ (NSD)**, establishing a Community framework for the nuclear safety of nuclear installations amending 2009/71 directive; Directive 2014/87/Euratom.
- **‘Radioactive Waste Directive’ (RWM)**, establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste; Directive 2011/70/Euratom. The Directive requires that EU countries should have a national policy, national programmes for disposal of nuclear waste including plans for constructing disposal facilities, relevant information on waste and spent fuel be made available to the public, and international peer reviews at least every ten years. (export of waste to countries outside the EU only under strict conditions).
- **‘Transport Directive’**, on supervision and control of shipments of radioactive waste and spent nuclear fuel; Directive 2006/117/Euratom.

One general directive on Environmental Impact Assessment (EIA) and related convention concern:

- **Environmental Impact Assessments (EIA)** on the assessment of the effects of certain public and private projects; Directive 2011/92/EC (with reference to Aarhus convention).
- **‘Espoo’ Convention** on Environmental Impact Assessment in a Transboundary Context as administered by Economic and Social Council of Economic Commission for Europe of the UN.

Note that the NSD and RWM make the requirements of the main international Instruments of the CNS and the IAEA Safety Fundamentals legally binding for all EU Member States.

11. Ukrainian Nuclear Forum (UNF) comprise an association of almost 20 companies active in Ukraine covering various parts of the ‘nuclear fuel cycle’. The Forum is to coordinate actions addressing shared economic and social challenges, pursuing higher

⁵² Annual Implementation Report of Energy Community on implementation of the acquis, August 2014.

⁵³ Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards; General Safety Requirements Part 3, IAEA, 2014 (sponsored by inter alia the European Community).

public confidence on the use of nuclear energy, and establishing a dialogue with European counterparts and international organisations. In 2011, UNF became an associate member of the European FORATOM which cooperates with the «*Technological platform for sustainable development of nuclear energy*» and the «High Level Group on Safety and Waste Handling» as created by the EC in 2007 with international actors.

2.1.2 International agreements, agencies, associations and directives

12. International Atomic Energy Agency (IAEA) was set up in 1957 as the world's centre for cooperation in the nuclear field. The agency works with its Member States and multiple partners worldwide to promote the safe, secure and peaceful use of nuclear technologies in accordance with the United Nations Charter. The General Conference consisting of representatives of the IAEA Member States meets in a regular annual session (usually September) to decide on other issues raised by the Board of Governors, the Director General and Member States. This conference together with the summary reports of the below mentioned conventions are a major source of information on the global needs on nuclear safety cooperation and safeguards. A major interface with the INSC-II concerns the (i) system of establishing and updating nuclear safety standards, (ii) services for organising review missions as used by the Instrument (e.g. OSART, IRRS, INIR), and (iii) the training and tutoring programme.

13. Nuclear Safety Convention (CNS) is ratified by Ukraine thereby fulfilling one of the conditionalities of cooperation under INSC-II. The CNS (1994) aims to legally commit participating States operating land-based nuclear power plants to maintain a high level of safety by setting international benchmarks to which States would subscribe. The obligations of the Parties are based to a large extent on the principles contained in the IAEA Safety Fundamentals document "Fundamental Safety Principles (SF-1)". These obligations cover for instance, siting, design, construction, operation, the availability of adequate financial and human resources, the assessment and verification of safety, quality assurance and emergency preparedness. The Convention is based on Parties' common interest to achieve higher levels of safety which will be developed and promoted through regular meetings. The Convention obliges Parties to submit reports every three years on the implementation of their obligations for "peer review" at meetings of the Parties to be held at the IAEA. This mechanism is the main innovative and dynamic element of the Convention. The CNS held the extraordinary meetings in response to the Fukushima-Daiichi accident. Recent Ukrainian national reports for the CNS (e.g. 2017, 2014) are not available.

14. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention) is ratified by Ukraine thereby fulfilling one of the conditionalities of cooperation under INSC-II. The Joint Convention (2001) The Joint Convention applies to spent fuel and radioactive waste from civil nuclear reactors and applications and material from military or defence programmes under restrictive conditions only. The Convention also applies to planned and controlled releases into the environment of liquid or gaseous radioactive materials from regulated nuclear facilities. Obligations are largely based on "The Principles of Radioactive Waste Management" (1995). The Convention obliges Parties in relation to the transboundary movement of spent fuel and radioactive waste based on the concepts contained in the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste. Also, Parties have the obligation to take appropriate steps to ensure that disused sealed sources are managed safely. The Convention has a similar "peer review" process as the CNS with the latest review meeting held in 2015. The latest Ukrainian national report is not available.

15. Convention on Physical Protection of Nuclear Material (CPPNM) and Amendment thereto (1980) is the only international legally binding undertaking in the area of physical protection of nuclear material. It establishes measures related to the prevention, detection and punishment of offenses relating to nuclear material. An amendment (2016) makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport. It also provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material, mitigate any radiological consequences of sabotage, and prevent and combat related offences. Although nuclear security is not directly targeted by INSC-II, the dividing line is delicate and Safety Security and Safeguards is often considered in close connection (3-S concept). For instance, at the biennial Nuclear Security Summit (2016) Ukraine stated to have introduced a new design basis threat to the safety of nuclear facilities used for introducing protective measures. World leaders participate in the forum. The nature of the convention makes the pursuit for transparency less prominent.

16. Treaty on the Non-Proliferation of nuclear weapons (NPT) is a landmark international treaty (1968) whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote co-operation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. The NPT represents the only binding commitment in a multilateral treaty to the goal of disarmament by the nuclear-weapon States. The NPT is a highly political treaty with conferences organised and held at the UN (e.g. in 2010 and 2015). As non-nuclear-weapon states pledge to accept IAEA safeguards to verify that their nuclear activities serve only peaceful purposes, a more technological dimension comes in with obligations to be met by member states and the safeguards inspection system coordinated by the IAEA. This area links with the third objective of the INSC-II.

17. OECD/ NEA Organisation for Economic Co-Operation and Development/ Nuclear Energy Agency provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to coordinate domestic and international policies. NEA is to assist in maintaining and further developing, through international co-operation, the scientific, technological and legal bases required for a safe, environmentally friendly and economical use of nuclear energy for peaceful purposes, as well as to provide authoritative assessments and to forge common understandings on key issues. Specific areas of competence of the NEA include the safety and regulation of nuclear activities, radioactive waste management, radiological protection, nuclear science, economic and technical analyses of the nuclear fuel cycle, nuclear law and liability, and public information.

2.2 Partners involved in the Cooperation

2.2.1 National partners

Ukrainian Partner Organisations include ‘Beneficiaries’ and ‘End-Users’ being the organisation using the project outcomes. Ultimately the population of Ukraine and beyond are benefitting from increased nuclear safety. Partner organisations include:

20. Ministry of Energy and Coal Industry of Ukraine (MECI) being the main state body in implementing the energy policy of Ukraine. MECI is beneficiary of INSC projects supporting the national operator State Enterprise “National Nuclear Energy Generating Company ‘Energoatom’”.

21. State Nuclear Regulatory Inspectorate of Ukraine (SNRIU) being an independent Authority charged with three main responsibilities in regulating, licensing

and inspecting nuclear activities (recently adopted laws jeopardise this status which are being addressed). The SNRIU can be both Beneficiary and End-User. A highly visible step demonstrating the commitment by SNRIU to adhere to EU and international safety standards was made March 2015 when a full membership to WENRA⁵⁴ was granted. The State Scientific and Technology Centre (SSTC) acts as a Technical Support Organisation (TSO) for the Regulator. In support of coherence of the regulatory review the SSTC is associate member of the European Technical Safety Organisation Network (ETSON) comprising 12 European TSOs. Since 2001, SSTC participates in the Euratom/ framework programmes and in Horizon 2020.

22. Science & Technology Centre in Ukraine (STCU) is an intergovernmental organization (1993) financially supported by the USA, the European Union and Ukraine, with the mission (i) to support the integration of scientists with Weapons of Mass Destruction (WMD) applicable knowledge into global scientific and economic communities through national, regional, and international research collaboration. This mission also includes (ii) to address the global security threat of the proliferation of WMD-applicable chemical, biological, radiological and nuclear (CBRN) knowledge and materials; (iii) to develop and sustain a culture of non-proliferation and CBRN security awareness and responsibility through education, mentorship, and training; and (iv) to promote international best practices and security culture to mitigate CBRN security threats. In relation to the INSC-II, the cooperation agreement with STCU is applied for the remediation of a former uranium processing plant in Ukraine.

23. State Agency for the Management of the Exclusion Zone (SAMEZ) (former: Ministry of Emergency Situations) is responsible for the governance in the Chernobyl zone including radioactive waste (RW) management and decommissioning. SAMEZ is subordinated to the Ministry of Ecology and Natural Resources (MENR) and the beneficiary for the INSC projects on RW management and Chernobyl. Principal End Users are State Enterprises as the Centralized Enterprise for Management of RW, State Association 'Radon', Chernobyl NPP, and Ecocentre. SAMEZ informed on the present consideration of a new waste class for Very Low Level Waste especially relevant for the Government plan to create an "industrial subzone" inside the Exclusion Zone for radioactive waste storage facilities and excluded for residential use. In this context, a State Specialized Enterprise for Management of RW is established to propose and implement a technical policy on RW disposal requiring regulatory supervision from the onset.

24. Joint Support Office (JSO) providing assistance to and cooperates closely with Ukrainian partners to identify and prioritise project eligible for implementation under INSC-II duly considering the pursued impact to the INSC-II objectives, the lessons learnt and the absorption capacity of partners. The JSO support involves EU expertise to ensure the definition and implementation of actions are fully aligned with EU practices both on business processes and on adherence to nuclear safety standards. As the JSO staff comprise predominantly Ukrainian experts this organisation is a best practice to transfer know-how and to encourage and empower young Ukrainian professionals in pursuing and expediting nuclear safety projects. In the end ownership and acceptance is for the Ukrainian partners who ultimately are to endorse the proposals.

25. EU Delegation provides the administrative and diplomatic liaison between the Ukrainian partners and the EU and the Commission in particular. The responsibilities of the EU Delegation in relation to the INSC can best be expressed by three themes: (i)

⁵⁴ 'Western' European Nuclear Regulators' Association comprising most EU countries and Switzerland and Ukraine.

administrative support for certified translations and for meetings for which the political leverage can be relevant, (ii) project registrations also needed for tax and custom exemptions, and (iii) visibility where both the EUD and the JSO take concerted actions especially in a period of prominent events as the sliding of the Shelter on 29 November 2016. Whilst the INSC programme is under the centralised management by the Commission, the EU Delegation provides all necessary support in seeking Ukrainian adoption of the Annual Action Programmes and Financing Agreements.

2.2.2 International partners

26. The European Nuclear Safety Regulators Group (ENSREG) is an independent, expert advisory group created in 2007 following a decision of the European Commission. It is composed of senior officials from the national nuclear safety, radioactive waste safety or radiation protection regulatory authorities and senior civil servants with competence in these fields from all 28 Member States in the European Union and representatives of the European Commission. ENSREG also provides consultations to INSC-II with the following framework: (i) assessing needs in third countries and potential effectiveness/opportunity of cooperation, (ii) prioritising needs and defining strategic objectives of cooperation with regulatory bodies, (iii) defining a set-up for high-level documents (Strategy, MIP) on cooperation with regulators, and availability of (human) regulatory staff resources (or TSO) in EU Member States, (iv) promoting transparency by making information available to the public, and (v) pursuing a policy to promote international cooperation, including with IAEA. Moreover, ENSREG established a working group⁵⁵ for direct consultation with INSC (In committees and fact-finding missions to new countries). ENSREG issued a position paper⁵⁶ on INSC-II identifying priorities to be pursued. A special group of ENSREG will review the INSC-II mid-term evaluation including this Case Study report.

27. WENRA (Western European Nuclear Regulators Association) started to cooperate in 1999 comprising the heads of regulators for nuclear safety in the EU (at that time) and Switzerland addressing EU enlargement criteria, and national safety approaches as IAEA Safety Standards, and the Convention (CNS) to develop a common approach (often referred to as Safety Reference Levels) and to examine applicant countries. WENRA reports were used by the Working Party on Nuclear Safety (WPNS) under the Atomic Questions Group of the European Council. WENRA now includes 16 EU countries and Switzerland and Ukraine as members and 12 observers including Armenia, Belarus, and Serbia.

28. ETSO (European Technical Safety Organisations Network) founded in 2006 and currently comprising 16 members mainly from EU. SSTC of Ukraine is an associated member.

29. World Association for Nuclear Operators (WANO) unites every company and country in the world that has an operating commercial nuclear power plant to achieve the highest possible standards of nuclear safety. Ukraine is member of WANO and has shifted their contacts from the regional office in Moscow to the regional office in Paris. Among the services offered are a peer review of operating organisations as recently requested in October 2016 by Energoatom for Rovno NPP.

30. EBRD (European Bank for Reconstruction and Development) is entrusted to implement several major projects in the Chernobyl exclusion zone with most prominent

⁵⁵ ToR for the separate ENSREG Working Group "WG International Cooperation", HLG_p(2013-24)_126.

⁵⁶ ENSREG Position Paper on INSC HLG_p(2014-26)_133.

funds and projects being the Chernobyl Shelter Fund (CSF) financing the Shelter design and construction (EUR 2.1 billion, and the Nuclear Safety Account (NSA) financing the completed Liquid Radioactive Waste Treatment Plant (LRPT), and the ongoing construction of the fuel Interim Storage Facility 2 (ISF2). These funds are being managed by EBRD with the contribution of the EC to these funds through indirect management; as opposed to a project mode and budget support (not applied in INSC). In indirect management, the Commission has the overall responsibility for the budget but entrusts implementing tasks to the EBRD.

2.3 Dedicated mechanisms facilitating the INSC cooperation in Ukraine

31. Ukraine Supervisory Board (USB) for INSC is co-chaired by the responsible Unit of the Commission and MECl with other members SNRIU, Energoatom, MENR, SAMEZ, Ministry of Economy and Trade, Secretariat of the Cabinet of Ministers, JSO (Secretariat). The USB is to ensure an inclusive Governance for the INSC Programme in Ukraine through establishing an agreed strategy and the final acceptance of the projects for implementation under the annual Financing Agreement between the EU and Ukrainian Government. The JSO organises the two regular annual USB meetings. The strategy as set by USB for INSC is underpinned through projects in three thematic areas:

- a) *Regulatory assistance*, with SNRIU and Ministry of Health;
- b) *Radioactive Waste Management, Decommissioning and Remediation*, covering MENR, SAMEZ with ChNPP, Radon, Ecocentre, Central RW Management Enterprise (CRME), etc.
- c) *Support to the Operator*, covering MECl, Energoatom.

32. 'Task Force' for the definition of projects on Radioactive Waste Management, Decommissioning and Remediation (2007) is co-chaired by the responsible Unit of the Commission and SAMEZ and further includes MECl, Energoatom, SNRIU, and JSO.

The governance of this thematic area in Ukraine is based on:

- a) *National RW Management Strategy* up to 2035 as developed under TACIS 2004 and adopted in 2008/9,
- b) *State Programme for RW Management to 2017*, and
- c) *Project Strategic Road Map (PSRM)* as agreed in 2008 and updated annually.

The PSRM is the planning tool for projects for implementation under INSC. The JSO provides the secretariat to the Task Force and is charged with the annual updating ensuring review and approval by stakeholders. The Task Force now also addresses programme oversight and risk management in its quarterly meetings (or as required). The Road Map addresses detailed project interactions allowing an accurate identification dependencies, interfaces and the need for regulatory review. The road map is highly instrumental to Coherence, Consistency, Complementarity, and Synergy of the INSC interventions with respect to both other INSC actions and external actions (national, other EFIs and international donors).

33. "Energoatom INSC Coordination Committee" established by Energoatom to define and agree on project proposals for INSC. JSO is observer. The Committee met once early in the year to allow representatives of each NPP to present proposals. If compliant with INSC Objectives and after prioritisation and elaboration with titles, objectives and estimated budgets, the proposals were submitted to Commission for an initial opinion. JSO also reviewed alignment with INSC objectives. Energoatom ultimately took the final decision. A Programme Working Group co-chaired by Energoatom and the responsible Unit of the Commission was to maintain oversight and addressed a

number of challenges. The group meets about twice annually upfront the more prominent USB meetings.

34. Joint Research Centre (JRC) involved in the INSC-II through (i) JRC Brussels for coordinating the technical review of the action documents, (ii) JRC Petten for provision of assistance to the INSC-II programme (and other programmes as well), and (iii) JRC Karlsruhe/ Ispra as contracting party for the safeguards issues and also for nuclear forensics being 'security' and under the IcSP. The institutional research of the JRC also contributes to different topics related to the nuclear safety, safeguards and security including safety and operation, thermal hydraulics, materials, fuels and fuel cycles, nuclear data, spent fuel and radioactive waste management, emergency preparedness and response, safeguards, proliferation resistance, and physical protection.

35. G7/8 Nuclear Safety and Security Group (G7/8 NSSG) created (2009) a special 'Chernobyl-EBRD Contact Group'⁵⁷ in response to a Court of Auditors' review (2008). This group aims to closely follow and monitor major developments, and to ensure an efficient, more detailed and continuous exchange of information to achieve a common understanding, among donors and the EBRD, on the technical issues, costs and risks, to allow for well informed decisions. Moreover, the EU made its 2011 pledge for an additional contribution conditional upon fully independent monitoring through a Site Monitoring and Reporting Contractor funded by the EU, US and the UK.

Other references:

- Ukraine and Europe, A short guide, Michael Emerson and Veronika Movchan; Centre for European Policy Studies (CEPS), Brussels; Institute for Economic Research and Policy Consulting (IER), Kyiv; 2016.
- EU assistance to Ukraine, Special Report No. 32, European Court of Auditors, 2016.

3. Evaluation questions

The Evaluation Questions (EQ) are defined common to all External Financing Instruments (EFIs) and concern EQ 1 - Relevance; EQ 2 - Effectiveness, Impact and Sustainability; EQ 3 - Efficiency; EQ 4 - EU added value, EQ 5 - Coherence, complementarity, consistency and synergies; EQ 6 - Leverage. The recommendations will reflect to what extent there is scope for simplification (EQ 7), enhanced achievement of its policy objectives, and improved impact and sustainability of the overall EU assistance (EQ 8). The case study for Ukraine focus on the priorities and policy objectives of the cooperation between the EU and Ukraine while the coherence with policies of the EU and its Member States are mostly addressed in the overall evaluation report. In addition, the analysis will also consider local priorities, as expressed by the population in affected areas and civil society.

3.1 RELEVANCE

EQ 1. To what extent do the specific objectives (INSC Regulation, Article 2) and the design of the INSC respond to:

- EU priorities and beneficiary needs identified at the time the Instrument was adopted (end 2013)?
- Current EU priorities and beneficiary needs, given the evolving challenges and

⁵⁷ Evaluation of the Implementation of INSC-I in the Period 2007 – 2013, March 2014.

priorities in international context (up to mid-2017)?

Summary. INSC-II specific objectives on promoting a nuclear safety culture, and the safe management of radioactive waste, spent fuel and remediation are well aligned on the EU policies and priorities (as assessed in the main evaluation report) and are relevant to Ukrainian partners' needs and priorities. The objectives of the European Union are properly pursued through the INSC-II objectives and are addressed in interventions customised to Ukrainian partners' needs. At present, there are no ongoing interventions addressing safeguards of nuclear material in Ukraine.

The main objectives of the INSC-II are based on the promotion and transfer of the Union's nuclear safety approaches, rules, standards and practices. The INSC's legal basis, the Euratom Treaty, substantiates this cooperation with a set of three Directives on radiation protection, nuclear safety, and management of radioactive waste and spent fuel. High standards in Member States underpin the regulatory basis. The Memorandum of Understanding (MoU) establishes a joint strategy towards the progressive integration of the Ukrainian energy market with that of the EU and include a road map on nuclear safety that is well aligned with the INSC-II objectives. SNRIU are transposing EU/ Euratom Directives and are aligning with WENRA reference levels.

Ukraine ratified the conventions (CNS, Joint Convention, NPT) thereby fulfilling a major conditionality for being eligible as partner in the INSC-II. This ratification demonstrates alignment of the Ukrainian nuclear energy policy with the conventions provisions and indirectly to the INSC objectives as the INSC objectives are aligned with these provisions. Conventions highlight evolving priorities: Transparency, Regulator's independence, Safety culture, Emergency preparedness and Long Term Operation (LTO).

Compliance with the INSC-II Regulation, partners' policies and needs are accounted for through consultations, road maps, strategies and dedicated structures. The participation of Ukraine in the stress test together with 15 EU countries and Switzerland shows the adherence to the principle of continuous improvement as pursued, inter alia, by ENSREG and the EU.

Ukraine Supervisory Board provides very good coordination of partners' needs. Radioactive waste plans support coherence and complementarity. An expedient start for a uranium waste site remediation is facilitated by a special management set-up.

JC 1.1 INSC-II specific objectives and design align with EU policies/priorities at the end of 2013. – *For the Case study align of Ukrainian policies/priorities with INSC-II and EU.*

I-1.1.1 List of EU and Euratom policies/priorities addressed by the INSC-II.

I-1.1.2 Number of action documents of INSC-II with clear reference to EU principles and priorities for development cooperation as set by the Agenda for Change and CIR.

- Number of MIP indicators addressing EU principles and priorities.

INSC-II specific objectives on promoting a nuclear safety culture, and the safe management of radioactive waste, spent fuel and remediation are well aligned with the Ukrainian partner needs and priorities. The case study addresses alignment with Ukrainian policies and priorities while the main report addresses the alignment with EU and Euratom policies and priorities.

- Memorandum of Understanding aligned with INSC-II objectives.** 1.1. The pursuit as expressed in the *Memorandum of Understanding*⁵⁸ (2005) to meet internationally recognised nuclear safety and environmental standards for strengthen public confidence in Ukraine is well aligned with the objectives of INSC-II of enhancing the safety culture and the safe management of radioactive waste. SNRIU used the IRRS missions and good practices⁵⁹.
- TACIS assisted in addressing most urgent deficiencies**
 • Regulations
 • Operations,
 • Legacy Waste.
- 1.2. The **TACIS nuclear safety programme** together with actions by the nuclear operator and regulator achieved a major safety improvement of the nuclear power plants with greater alignment to internationally accepted standards and EU best practices. All safety deficiencies at operating reactors in Ukraine requiring immediate or urgent action had been addressed while remaining Chernobyl units were closed under an EBRD-Euratom loan agreement to modernise completed K2R4 in line with highest standards. The K2R4 modernisation is the pilot project for the presently ongoing safety upgrade programme (EUR 1.45 b) of the other nuclear power plants in Ukraine partially on the basis of an EBRD Euratom loan (EUR 600 m on the basis of 50/50). The safety upgrade programme is managed by Energoatom with support of EBRD. The compliance of the safety upgrade programme to highest internationally accepted standards is reviewed by SNRIU with support through INSC of EU consultants. Support to Operator of nuclear power plants is in general no longer targeted, the established EBRD-Euratom loan facilitates the modernisation of outdated technology without disrupting the market oriented basis of the industry. The INSC support to the Regulator ensures that the regulatory review complies with highest internally accepted standards and EU Directives.
- Ukraine participated in ENSREG Stress test.** 1.3. The participation of **Ukraine in the stress test**⁶⁰ together with 15 EU countries and Switzerland shows the adherence to the principle of continuous improvement as pursued, inter alia, by ENSREG and the EU. The second extraordinary meeting of the CNS⁶¹ on the lessons learnt from the Fukushima Daiichi accident noticed a range of actions taken (on flood/ seismic hazards, upgrading systems, emergency preparedness, legislation), and identified strengthened bilateral and regional collaboration. The ENSREG thematical peer reviews as organised by DG ENER and follow-up of National Action Plans^{62 63} concluded on the Ukrainian

⁵⁸ MOU on energy cooperation between EU and Ukraine

⁵⁹ Good Practices identified by IRRS Missions held (2006 – 2015), IAEA.

⁶⁰ Stress tests and Peer Review Process, Joint statement of ENSREG and the EC, 26 April 2012.

⁶¹ 2nd Extraordinary Meeting - CNS, Final Summary Report, CNS/ExM/2012/04/Rev.2 , 27-31 August 2012.

⁶² Post Fukushima Accident, Peer review Stress tests on European NPPs – overall report; country report Ukraine, 2012.

⁶³ Action plan Follow-up of peer review stress tests; Rapporteurs' Report Ukraine, ENSREG national action plans, 2013.

National Plan that clear improvements to nuclear power plants were achieved and that SNRIU requested for filtered venting measures (to significantly limit an accidental release) for VVER-1000 units and for further analyse on measures for the two VVER-440 units. The participation of Ukraine in the ENSREG peer review of stress test demonstrates the proper alignment of the Ukraine nuclear sector with EU safety regulations and review practices.

Regulation and competences SNRIU for NPP operation well established.

1.4. The competences and responsibilities of the independent **Regulatory Authority SNRIU** are established in the nuclear legislative and regulatory framework⁶⁴ fully in conformance with the Convention on Nuclear Safety and the INSC-II objectives. The follow-up Integrated Regulatory Review Service (IRRS) mission⁶⁵ of the Regulator in 2010 identified an improved governance with a good working relationship with the national institutions (Parliament, Government, Ministries) and improvements to its organisation, its relation with the Technical Support Organisation (TSO) and to the effectiveness of monitoring the legislative process.

In response to the Fukushima Daiichi accident Ukraine voluntarily joined the stress test exercise as defined by ENSREG (and WENRA) through defining a National Action Plan⁶⁶ and participating in the 2nd Extraordinary Meeting under the CNS. The active participation in the stress test is fully in compliance to the spirit on the INSC-II objectives on pursuing a continued improvement in nuclear safety.

JC 1.2 INSC-II responds to 2013 partner's needs

I-1.2.1 INSC mechanisms and procedures taking into account partners' needs (number of programming meetings, requests from new countries, and exploratory missions)

I-1.2.2 Number of consultations to build Annual Action Programmes (AAPs).

The Ukraine Supervisory Board (USB), co-chaired by the Ministry of Energy and Coal Industry and the responsible Unit of the Commission, provides an excellent mechanism with two well-organised annual consultations for the needs' assessment and the endorsement of the national proposals to the annual action programme.

Ukraine Supervisory Board provides very good coordination of partners' needs.

1.4. The **Ukraine Supervisory Board (USB)** co-chaired by the Ministry (MECI) and the Commission together with the Regulator, Operator and Remediation & Decommissioning Enterprises (e.g. SAMEZ) under secretariat of JSO ensure an inclusive Governance for INSC through an agreed strategy duly addressing the needs in the sector and fully aligned with INSC priorities and policies. Projects address three thematic areas on co-

⁶⁴ Major Laws "On the Use of Nuclear Energy and Radiation Safety", "On Radioactive Waste Management", and "On Human Protection against Impact of Ionizing Radiation".

⁶⁵ Follow-up IRRS mission report issued in 2010 under auspices of EC-IAEA-Ukraine Joint Project on Safety Evaluation.

⁶⁶ ENSREG - National Action Plan - Peer review 2013 - Rapporteur Report Ukraine.

operation with the Regulator, Operator and Management of Radioactive Waste, Spent Fuel and remediation. The USB established a systematic approach to project identification, prioritisation, planning and implementation. As priorities shifted and to the regret of the Operator, INSC-II limits cooperation with the Operator to specific and duly justified cases for example follow-up to the 'Stress test'.

Reviews / self-assessments set directions and support public communication.

1.5. Structured international reviews of the nuclear safety and radioactive waste and spent fuel management in Ukraine have its unique merits. However, such reviews come at a cost (administrative burden) and a more substantial use of existing dedicated peer reviews would be an asset such as the Questions and Answers in the triennial peer review of the national reports in the main Conventions (CNS and Joint Conventions). Moreover, making these reports and Q&A queries available would be a particular asset for the nuclear safety cooperation and for transparency and communication with the public at large. Openness on results also applies to the WANO peer review (end 2016) of the Rovno nuclear power plant on request by Energoatom.

Radioactive waste plans support coherence and complementarity.

1.6. The Ukrainian nuclear waste and decommissioning strategy is well established with plans at different levels with a national Strategy up to 2035, a State Programme to 2017, and a Project Strategic Road Map (revision 5, April 2016) being updated annually with details and interfaces allowing for identifying, prioritising and planning of specific projects ensuring proper coherence between INSC actions, and actions by the Ukrainian organisations and supported by other donors. Proper attention is given that waste management plans are duly coordinated with licensing and inspection by the national SNRIU with possible assistance by INSC (2+2 concept). A proactive role of the Ukrainian support organisation JSO facilitates the coordination and implementation. This setup establishes a profound basis for defining the partner's needs in remediation and decommissioning measures and for ensuring complementarity of concurrent INSC actions and actions of different donors.

The RW priorities have been identified in coherence with the Ukrainian Law "On the purpose-oriented environmental programme for radioactive waste management". The wide range of activities for the period 2008-2017 as defined in the Road Map concern:

1. Create a national organisation for RW management;
2. Improve characterisation, accounting and control of RW;
3. Assess RW storage and disposal sites as 'Radon' and in Chernobyl exclusion zone;

4. Create of RW processing facilities;
5. Manage for a long-term the spent radioactive sources;
6. Improve the national infrastructure (e.g. transportation/ processing) for RW management;
7. Create long-term storage facilities of high-level and long-lived RW;
8. Develop concepts and select site(s) for deep geological disposal of high-level and long-lived waste; and
9. Clearance of RW and radioactive materials from regulatory control.

Table 4: Defined Action Documents under INSC-II responding to needs

| Project title | Beneficiary / End User | Objectives | Budget m EUR | Other (CRIS), see note |
|---|--|---|--------------|---|
| U3.01/14 Strengthening of SNRIU capabilities in licensing and severe accident management | Inspectorate of Ukraine (SNRIU) | <ol style="list-style-type: none"> Licensing fuel fabrication, neutron sources, spent fuel management and storage. Ensure robust models for severe accident analysis (Fukushima / code validation). | 2 | A, B, C, D, E – Logframe omission (2014 / 032-216) |
| U4.01/14 Infrastructure improvements for managing legacy radioactive waste and nuclear decommissioning¹⁾ | Management of Chernobyl Exclusion Zone | <ol style="list-style-type: none"> Specification of waste forms for defining processing route for untreated waste. Plan for deep disposal of long-lived waste. Comprehensive safety assessment for Radon. Detailed design for waste Processing at Vektor complex. (Exclusion Zone). | 6.2 | A, B, C, D, E, G, H – Logframe omission (2014 / 032-2140) |
| U3.01/15 Strengthening of SNRIU capabilities on regulation of nuclear activities. | SNRIU | <p><i>Align with Euratom Acquis:</i></p> <ol style="list-style-type: none"> Shipment of radwaste Dir. 2006/117/Euratom, Basic Safety Standards 2013/59/Euratom, Nuclear Safety Directive 2-14/87/Euratom. WENRA reference levels update – Fukushima. | 4.5 | A, B, C, E, F, G, H Acquis/ WENRA targeted DAC Markers: Good governance. (2015 / 037-990) |
| U4.01/16 Support to the Management of the Instrument for Nuclear Safety Cooperation (INSC). | MECI/Energoatom, Min. Ecology and Nat. Resources, SNRIU, Min. Health | <ol style="list-style-type: none"> Information collection, analysis and distribution. Management of meetings and missions. Support to Action Programme Preparation. Support to Implementation and Evaluation. | 3 | A, B, C, D, E, F, DAC Markers: Good governance, Environment, Gender Reviews scope of eligibility of actions. (2016 / 038-889) |
| U4.02/16 Emergency Measures for the Prydniprovskiy Chemical Plant. | SNRIU, Min Health | <ol style="list-style-type: none"> Stabilisation of the radiological hazards. System Needs (capacity building). Equipment supply. Regulatory framework. | 3.5 | A, B, C, D, F, G DAC Markers: Good governance, Environment (Main objective) Indirect Management with STCU (2016 / 038-879) |
| Note: Future extensive decontamination will be required with decontamination and dismantling structures; process material will need to be permanently and safely disposed. More immediate needs are sealing contaminated facilities, repairs to caps of two tailings and prevention of unauthorised access to the site and unauthorized release of radioactive material from the site. | | | | |
| Note: Letters relate to following topics being addressed: | | | | |
| A: Lessons learnt. | | | | |
| B. Environmental issues. | | | | |
| C. Risk and assumptions. | | | | |
| D. Performance monitoring with KPIs and evaluation and audits. | | | | |
| E. Communication and visibility. | | | | |
| F. Logframe. | | | | |
| G. Complementary actions in INSC. | | | | |
| H. Donor coordination. | | | | |
| Note: 1) Under this action document the terms of reference for four separate projects will be prepared. | | | | |

INSC-II supports re-remediation of nuclear waste legacy sites. An expedient start for a uranium waste site is facilitated by special management set-up.

1.7. INSC-II interventions planned under AAP 2014-2016 address clear needs (measures and regulations) for remediation of nuclear waste legacy sites, safe management of RW radioactive and for regulations on some remaining areas as fuel manufacturing and spent fuel storage. Prepared Action Documents address the priorities set in the Road Map. The planned INSC-II interventions properly respond to the partner needs which are elaborated and properly aligned with EU directives. The JSO explores a set-up with close involvement of the Science and Technology Centre of Ukraine (STCU) in the remediation of the Prydniprovskiy Chemical Plant under a so-called PAGODA⁶⁷. The selected 'indirect management' is in compliance with Article 58(1)(c) of the financial rules Regulation (EU, Euratom) No 966/2012. This allows the use of an established infrastructure with IAEA and STCU to finance a project thereby shortcutting the Financing Agreement as an equivalent is in place and allowing a much more expeditious start.

JC 1.3 INSC-II adequately identifies and responds to evolving challenges.

I-1.3.1 Provisions both in INSC-II regulation and its institutional set-up enabling a revision of the strategy and /or MIPs upon evolving challenges.

I-1.3.2 List of challenges tackled by INSC-II due to evolving situation.

The flexibility of the instrument is adequate for adjusting to evolving challenges in Ukraine through functioning of the USB. Challenges in INSC-II being addressed concern the remediation of the uranium legacy processing plant, continued radioactive waste management actions as identified in the road map and the follow-up with licensing actions.

Conventions highlight 1.8. evolving priorities: Transparency, Legacy waste sites, and LTO.

Triennial peer review meetings of CNS and Joint Convention set evolving priorities. The 2014 CNS summary report⁶⁸ highlights follow-up actions to the Fukushima Daiichi accident, and a proposal leading to the Vienna Declaration⁶⁹ (no immediate evacuation/ no long-term off site contamination – e.g. by filtered venting). Cross-cutting issues reiterated fundamental priorities as regulator's independence, safety culture and oversight, transparency, emergency preparedness, and importance of peer reviews (OSART, IRRS). The summary report also identifies that a safety infrastructure is needed for decisions on Long Term Operation (LTO) and multilateral arrangements could assist in this process. The 2017 CNS summary report⁷⁰ gives

⁶⁷ Financial agreement with international organisation (Pillar Assessed Grant Or Delegation Agreements 'PAGODA').

⁶⁸ 6th Review Meeting of the Contracting Parties to the CNS, Summary Report, IAEA, CNS/6RM/2014/11_Final, 2014.

⁶⁹ Vienna Declaration '... objective of the CNS to prevent accidents and mitigate radiological consequences, IAEA, 2015.

⁷⁰ 7th Review Meeting of the Contracting Parties to the CNS, Summary Report, IAEA, CNS/7RM/2017/08/Final, 2017.

follow-up to the issues as defined in 2014 and raises the issue on the supply chain of components and how to ensure the material is nuclear grade certified. Additionally, the report announces a survey to improve the review starting at the next meeting in 2020. The 2015 Joint Convention summary report⁷¹ states to focus in the next Review on: (i) staff development, and reliability of funding; (ii) public involvement and engagement on waste management; (iii) developing a sustainable strategy for RW and spent fuel; and (iv) management of disused sealed sources. Remediation of legacy waste sites can benefit from sharing experiences. Most of these gradually evolving priorities are being addressed by INSC-II or by the national programme in Ukraine or for consideration in future cooperation if eligible.

Energoatom recently issued an updated draft Environmental Assessment report.

1.9. The Safety Upgrade Programme (SUP) of Ukrainian NPPs initial completion date (end 2017) was extended to 2020 (amendment Sep. 2015). Energoatom policy objectives on the SUP are to (i) upgrade the safety and reliability of operating NPPs thereby decreasing the accident risk, and (ii) improve the management of design-basis or design extension conditions and mitigate the consequences.

One of the loan agreement conditions concerns an Environmental Assessment (EA) of the SUP implementation every 5 years. Energoatom's processes are regulated with a dedicated regulatory act⁷² and as the SUP does not involve new constructions, capacity raise, or lifetime extension, the national regulation on EIA⁷³ does not apply.

Civil society organisations request EIA reviews for Ukrainian NPPs.

1.11. The Environmental Impact Assessment for the safety upgrade programme (SUP) of nuclear power plants is challenged by civil society organisations. However, as discussed with Energoatom and the Ukrainian Ministry (MECI), the upgrade programme in Ukraine as supported by the recent EBRD-Euratom loan agreement is focussed on improving the safety of the operating reactors compliant with internationally accepted standards with the K2R4 modernisation as a pilot.

The need to perform a transboundary EIA is under consideration of the Espoo Implementation Committee of the Convention on EIA in a Transboundary Context

⁷¹ 5th Review Meeting of the Contracting Parties of the Joint Convention, IAEA, JC/RM5/04/Rev.2, 2015.

⁷² SOU NAEK 004:2011 "Environmental Assessment of Power Units of NPPs. General Requirements to Scope & Content".

⁷³ DBN A.2.2-1-2003 "Designing. Scope and Content of Materials for EIA in Design and Construction of Enterprises, Houses and Buildings".

together with similar discussions for EU countries⁷⁴.

- Espoo requested to establish a Law on EIA; yet to be adopted by Ukraine.** 1.12. **The legal framework for EIA in Ukraine** is further aligned with EU directives, especially emission monitoring (Law on Environmental Protection) and expert qualification (Law on Ecological Expertise). A new Law on EIA complying with the Espoo Convention and Directive 2011/92/EC has been adopted by the Ukrainian Parliament in October 2016. However, the President returned this law with comments in November 2016, which have not yet been considered.
- SNRIU Annual Report underlines its commitment to EU values and priorities.** 1.13. The **2015 SNRIU Annual Report** on Nuclear and Radiation Safety makes a clear commitment to European standards, requirements and values as being the priorities for each economy sector of Ukraine. The report reiterates recent events connected to the EU-Ukraine Association Agreement and describes the pursuit of regulatory reforms aligned to EU directives rules compliant to the priority shared by Europe 2020 and INSC-II. In practical terms this ensues the transposition of three nuclear safety Directives in national Law (BSS, NSD, and Transport). Moreover, SNRIU became full member of WENRA in March 2015 for further harmonisation with EU practices and reference levels.
- Civil Society Organisation raised concerns on environmental issues.** 1.14. **The Civil Society Organisation (CSO)** challenges international financial institutions not to finance environmentally and socially harmful investments. A recent Bankwatch report on Ukraine mentioned a lack of independence of SNRIU's, an alleged non-compliance with the Espoo convention, and postponed implementation of the safety upgrade measures.

Conclusions on EQ 1:

- C-1.1** The INC-II Regulation and objectives are well aligned to Ukrainian policies and addressing the partners' needs and having adequate flexibility to react on evolving challenges. The JSO effectively supports Partners in identifying and prioritizing needs by providing support to USB and follow-up to Strategic Road Map on radioactive waste management. The planned extension of the role of JSO to further support the Regulator (SNRIU) is appropriate.
- C-1.2** Competencies of SNRIU and their TSO on regulation, licensing and inspection of operating NPPs are in-line with best international standards and practices. Competencies in other areas are being strengthened under INSC-II.
- C-1.3** The safety of NPPs has been significantly improved with support of TACIS and INSC-I while further upgrade measures are being addressed with a substantial EBRD-Euratom loan. The maintenance training centre at Zaporozhe is a recent example of a very good result. Energoatom would appreciate cooperation on special issues.

⁷⁴ Economic and Social Council of the Economic Commission for Europe of the United Nations of the Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context, 29 September 2016.

C-1.4 The strategy, the programme and the annually updated Road Map for the management of radioactive waste and spent fuel provides a very good basis for identifying and prioritizing national and international actions fully respecting complementarity and pursuing synergies.

Recommendations on EQ 1:

R-1.1 As INSC-II priorities and policies are matching with Ukrainian partners' needs, the cooperation under INSC-II is to be continued applying established mechanisms. The good mechanism of the Strategic Road Map on radioactive waste management is to be considered to cover the support to the Regulator. Additionally, the positive experience with the Road Map is to be rolled out for other partner countries for coordinating radwaste legacy site remediation.

R-1.2 The cooperation with SNRIU needs to be continued for all sectors with special focus to remediation and radioactive waste management and also other areas as fuel manufacturing.

R-1.3 A capacity development plan for the staff of the Regulator (SNRIU) is advised to be elaborated with special focus on radioactive waste, storage and disposal facilities, and remediating and decommissioning. Such plan could be used as a baseline for further INSC-II interventions.

3.2 EFFECTIVENESS, IMPACT, SUSTAINABILITY

EQ 2. To what extent does the INSC deliver results against the Instrument's objectives and specific EU priorities?

Summary. Completed and ongoing projects of INSC-I and planned projects for INSC-II have well-defined results frameworks to provide both institutional strengthening and support to industrial projects via the 2+2 arrangements (support to both the Regulator and the Operator by INSC). Joint work with EU experts on consensus assessments, and recommendations in the course of the review process, have ensured the transfer of know-how and experience to the SNRIU experts and enhanced the quality of decisions taken by SNRIU in compliance with international standards and practices. Regulatory projects for the radioactive waste management sector contributed significantly to achieving successful outcomes with sustainable impact. A permanent working group of SNRIU on NPP safety rule-making is in charge of introducing changes required for harmonising with WENRA provision and for transposing the EU directives into national legislation.

Energoatom and NPPs have adequate levels of qualified staff and institutional resources to continue with the further enhancement of safety culture management at Ukrainian NPPs. However, the pace of these changes depends on the allocation of sufficient human resources by the Energoatom management to apply the project outcomes. Training materials developed within INSC projects on safety culture and human factors will become part of the training of NPPs' personnel and management on safety culture at Zaporozhe National Training Centre. Energoatom expects that in the years to come the sound results on enhanced safety culture awareness will be rolled out through the entire company. The project results will be included in the draft Energoatom Safety Culture Programme for 2017-2018.

INSC-II incorporates lessons from INSC-I on (i) As the safety of the NPPs was improved, Energoatom qualified for a loan and INSC-II includes provisions for addressing specific support to the operator only, (ii) As the competence of the regulatory authority was enhanced on NPP operation and the INSC-II support has been redirected to the safe management of radioactive waste, spent fuel and remediation and decommissioning.

JC 2.1 INSC-II governance, mechanisms and the Commission's business processes are conducive to sustaining results/ impact.

I-2.1.1 Number and percentage of Action documents that develop measurable results framework (both at output and intermediate outcome level).

Overall the Instrument through its governance, mechanisms and processes is well set to deliver results and to ensure their impact and sustainability.

The Ukrainian management structure is conducive to sustain the results of INSC.

2.1. The Ukrainian Nuclear Regulatory Authority, the Operator for the nuclear power plants, and the Organisation for the radioactive waste sector are well established organisation with adequate capacity of their staff to sustain the INSC results and to benefit from the provided assistance.

An indicative log-frame matrix is to be included in the adopted action documents and being further developed during the preparation of the terms of reference and subsequently by prospective contractors in their offer. These are later finalised in the Inception Report agreed with the project partner and used for the project management and internal and external monitoring. However, the 2014 Action Document U4.01/14 does not include an indicative logframe as this Action Document is to be divided into four projects for which separate logframes will be included in the ToR. While supporting the development of the ToR, the JSO contributes to the logframe matrix or results framework as well as elaborating Key Performance Indicators (KPI) on project milestones.

INSC Governance is well ensured through establishing a systematic approach to project definition and implementation with measurable results framework part of log-frame matrix.

2.2. To ensure an appropriate level of **INSC Governance, the Commission** together with the Ukrainian Government established and managed the Ukrainian Supervisory Board (USB) co-chaired by the Ministry (MECI) and the Commission as mentioned in response to EQ 1. The USB meets twice a year and is responsible for the programming and review of the projects to be implemented between the Ukraine Government and the EU.

The Memorandum of Understanding establishes an overall road map on nuclear safety cooperation with the more detailed road maps for the specific sectors most notably the Strategic Road Map for the management of radioactive waste. The Safety Upgrade Programme of the NPPs provided the basis for the support to the operator under INSC-I. The Support to the Regulator under INSC-I was aligned with needs from industrial projects including the licensing of the Safety Upgrade Programme and the licensing of radioactive waste facilities elaborated under the Strategic Road Map.

Despite the proper set-up of the national monitoring system, the INSC uses rarely independent monitoring and no external project assessment.

2.3. The **Monitoring** actions of ongoing INSC projects in 2014, 2015 and 2016 only comprise 5 ROM reports. The INSC-I was under closer review by ROM monitoring with 26 ROM reports issued in the year 2009⁷⁵. External project evaluations were not requested by the Commission. The present M&E actions provide a limited oversight of performance in the thematic sectors. The ROM system was changed in 2015 as part of EC overall reforms related to programme monitoring, reporting, and evaluation systems. The ROM-2015⁷⁶ has strengthened two key principles:

- a. internal monitoring and reporting by the Commission's HQ services for better management of and accountability on the EU's external assistance;
- b. the use of external ROM system as a support to the Commission's HQ services' project management functions including end-of-project results reporting.

The reforms were designed to enhance the Commission's accountability and management capacities with a stronger focus on results at all levels, including the EU's corporate level as a donor, through the new EU International Cooperation and Development Results Framework. However, ROM reports presently no longer include scores on main criteria, hence lacking a concise oversight.

The Ukrainian national monitoring system comprises of three levels:

1. Overall coordination of technical assistance projects and different donor programmes is performed by the Ministry of Economy, to ensure complementarity and avoid overlapping of donors' actions,
2. At the level of the project beneficiaries, the international relation departments are responsible for the overall follow-up and timeliness of project implementation and delivery of milestones, and
3. At the project level the end-user (beneficiary) appoints a project manager responsible for the day-to-day technical coordination, project implementation and monitoring.

⁷⁵ Annual Report 2009 on Implementation of AIDCO Nuclear Safety Projects, Assessment of Monitoring Team, Jan. 2010.

⁷⁶ ROM Handbook Results Oriented Monitoring, Version 3.0, October 2015.

A key role of JSO is to support Beneficiaries and the Commission in project oversight and monitoring. This is being achieved in cooperation with the Beneficiaries, End-Users and Contractors. To this end a steering committee and project working group are established. The steering committee includes representatives of the Commission, JRC, JSO, Beneficiary/ End-User, and Contractor. The project working group consist of Contractor, and End-User. JRC and JSO experts could provide advice to these groups.

INSC governance in Ukraine duly supports programming and implementation – no need for inclusive INSC strategy.

2.4. The **INSC-II Regulation with its Strategy 2014-2020, and Multiannual Indicative Programme (MIP) 2014-2017** provides consistent basis for the cooperation. The Strategy outlines experience, current challenges as scaling down budget, and the ENSREG consultation. Synergy with the Instrument for Stability and Peace (IcSP) is to be pursued while for the needs of the partner countries reference is made to the international fora as the IAEA Regulatory Cooperation Forum, the G7/8 Nuclear Safety and Security Group, the Global Partnership Programme and the 2006 INSAG-21 report⁷⁷ on the nuclear safety regime. A profound analysis of the needs of the partner countries would have strengthened the strategy with a structured summary of latest international reviews and findings (referred fora and Conventions' conclusions, IAEA annual reports).

The lack of an overview in the INSC-II Strategy has not been detrimental for Ukraine as the INSC cooperation can benefit from a long experience and well-established mapping of needs through the USB and supported through the Road Map on RW, and to a lesser extent through the 2010 IAEA-EC Ukraine safety assessment⁷⁸ for the Regulator and the Operator and the support of informed partners with assistance from the JSO.

Transparency of INSC-II mechanisms and processes are ensured.

2.5. The **transparency of INSC-II** mechanisms and processes is ensured:

- During the planning and preparation of the action programme by the functioning of the USB,
- During the contracting through open tendering procedures and participating of beneficiary/ end-user in tender evaluation,
- During implementation through the steering committee, progress reporting, and internal monitoring and management systems by contract and beneficiary.

Complementarity

2.6. The governance of the **Ukraine NPPs Safety Up-**

⁷⁷ INSAG-21 Strengthening the Global Nuclear Safety Regime, IAEA (2006).

⁷⁸ EC-IAEA-Ukraine Joint Project: "Safety Evaluation of Ukrainian NPPs", MoU, IAEA-EC 2007/145268, 2010.

achieved as INSC supports regulatory review to highest standards and EBRD-Euratom loan assists in comprehensive safety upgrade of NPPs.

grade Programme (SUP) ensures compliance with internationally accepted safety standards through mechanisms and processes. The K2R4⁷⁹ modernisation provided the pilot for Energoatom to develop its upgrade programme also considering the results of the 2010 IAEA-EC Ukraine safety assessment. The SUP was further informed on the National Action Plan (2012) on lessons of the Fukushima Daiichi accident. INSC-I assisted SNRIU in reviewing the measures ensuring acceptable safety.

The Cabinet of Ministers approved the Complex Consolidated SUP in 2011. The costs of EUR 1.45 billion is partially covered by loan agreements with EBRD and Euratom of EUR 600 million (split 50/50) signed in 2013. Public communication and ENSREG appreciation are:

- SUP package of measures per reactor type is listed at website of Energoatom. Present status (Oct. 2016) indicates 646 of 1275 measures (51%) completed slightly ahead of latest planning.
- Ninth report⁸⁰ on EU-Ukraine energy cooperation states: "According to ENSREG, Ukraine is following the good practice of implementing measures first as a pilot" before roll-out to other NPPs.

To verify one of the loan conditions on establishing a Decommissioning Fund in line with the Overall Radioactive Waste and Spent Fuel Plan, the EBRD contracted a decommission consultant in 2016.

Strategy for cooperation with SNRIU under INSC-II will be enhanced through JSO.

SNRIU acknowledges the special challenge to establish a **strategic regulatory plan** for identifying established competences (for example on NPP upgrades) and areas which could benefit from further cooperation. Urgent actions from the industrial sector on NPP upgrading and radioactive waste management placed a strain on their capacity. The national Road Map for radioactive waste management as supported by JSO provides a profound basis for identifying specific needs and setting priorities for interventions by INSC and other donors as well. Hence, in February 2015 in response to a request by the Commission, the Chairman of SNRIU agreed with JSO that the SNRIU's International Department responsible for INSC Projects will more closely collaborate with JSO in identifying, prioritizing, planning and implementing INSC regulatory projects and in maintaining oversight. The working

⁷⁹ Completed safety upgrade for units Khmel'nitsky 2 & Rivne 4 under early EBRD-Euratom loan agreement (2004).

⁸⁰ 9th Joint EU-Ukraine Report on the Implementation of the MoU on Energy Cooperation during 2014.

arrangements for this collaboration require further elaboration whereas the RW Road Map defines the future licensing demand for the RW sector.

JC 2.2 INSC analyses whether results matching objectives.

I-2.2.1 Number and percentage of Action Documents with results supporting sector reform and capacity building (including output indicators on number of laws / regulations and number of trainees).

I-2.2.2 Number and percentage of Action Documents that address issues of financial and institutional sustainability and impacts opportunities.

The Instrument since 2007 has been consistently delivering results contributing to its specific objectives of Nuclear Safety in Ukraine.

INSC results match the specific objectives.

2.8. The **ongoing INSC cooperation** is **achieving results** in line with the INSC specific objectives. After the 2012 Action Programme further cooperation with the operator was not programmed. Ongoing and completed projects deliver results contributing to the INSC objectives. The significant results per sector match the objectives as presented below:

Regulatory Authorities with SNRIU and TSO:

1. Assistance by a consortium (Riskaudit) representing the major regulatory authorities and TSOs in the EU thereby ensuring that the highest safety standards were transferred and the services provided to SNRIU and TSO met such standards;
2. Support to the cooperation between SNRIU and WENRA which allowed the alignment of national legislation and regulation on nuclear and radiation safety with standards and practices as applied by WENRA (SNRIU became member of WENRA in 2015),
3. Support to the harmonised Ukrainian nuclear legislative framework with the EU acquis on nuclear and radiation safety most notably on the three EU Directives on BSS, NSD, and RWM to be transposed to national legislation,
4. Customising the RODOS system for Ukraine enhancing SNRIU's capacity in emergency preparedness and response for national and cross-border emergency management and rehabilitation (U3.02/08),
5. Enhancing regulatory decision making top-priority issues of the State Ecological Programme for RW Management, Strategic Road Map; Strengthening SNRIU's capabilities in licensing of neutron source, and of the licensee management system and human factor (U3.01/12),
6. Support the licensing review of the Safety Upgrade Programme (SUP) measures (UK/TS/47).
7. Enhancing radiation monitoring at uranium mining and milling facilities (U3.01/11C).
8. Transfer of EU practices and methodologies for independent radiation monitoring using a mobile laboratory as supplied by IAEA (U3.01/11C).

Operator Support through Energoatom:

1. Support to the consolidation of existing approaches and methods for safety culture management at Energoatom and Ukrainian NPPs in line with best EU practices and the IAEA INSAG 12 document, as introduced in company standards and programmes (U1.05/09T5) The set-up at Energoatom is expected to continue to the enhancement of the safety culture awareness at the company level,
2. Zaporozhe National Training Centre being the focal point in Ukraine,
3. Enhance Human Factors considerations in Event Reporting at NPPs with further promoting a blame-free attitude of Energoatom HQ and NPP management to personnel errors; Energoatom plans to apply project outcomes in the overall management structure and organisational processes of all NPPs (U1.05/09T4),
4. Development of a strategy for the long-term Ukrainian safety management aiming at a transfer of the best EU and international know how on operational safety culture to the NPPs (U2.01/07).

Radioactive Waste Management:

1. Support the set-up and annual updates of the Strategic Road Map for RW management contributing to the implementation of two national programmes as managed by SAMEZ, the beneficiary for all RW management projects in Ukraine,
2. Transferred EU know-how on siting, design, construction, and operation of facilities for RW management, interim storage and disposal,
3. Improvement of the infrastructure for RW management in the Chernobyl Exclusion Zone (U4.01/08B-I),
4. Improvement of the overall RW management strategy at Ukrainian operational and shut-down NPPs and decommissioning of the Chernobyl NPP (U4.01/08D),
5. EU assisting Ukraine to safely manage RW at Chernobyl NPP also in relation to the Industrial Complex for Solid Radwaste Management (ICSRM) facilities (U4.02/08),
6. Support the licensing of RW management facilities having added value to both the operator and the regulator.

Training centre for maintenance staff at ZaNPP initiated an atmosphere for nuclear safety training up to the highest management.

- 2.9. The National Management and Maintenance **Training Centre** for Energoatom staff at Zaporozhe NPP was funded by the EU (EUR 14 m) and successfully completed in 2015. The simulated working environment with pumps, piping and refuelling machine allows the staff to perform their tasks at the NPP more expediently improving quality standards, reducing occupational dose and shortening outage time. In the context of this training centre Areva reviewed the adequacy of the safety management and identified a 'gap' in safety awareness from the middle management up to the highest executive management. They concluded that the training centre provided adequate training on technical issues but was not supportive to building a

team spirit, communication and personnel development. This led to the development of a training programme for the high-level management with even the president of Energoatom participating as trainee. The message was conveyed that the training provides added value to the highest level. The Academy for Nuclear Power Engineering Managers was established in July 2014 by Energoatom directly under the President of the Company.

The project implementation was far from smooth but in the zealous struggle to complete the project resulted in an excellent result with the EC contribution of EUR 14 million leveraged with a contribution by Energoatom of UAH 900 million.

The Safety Culture Council of Energoatom is a focal point for developing and rolling out new methods.

2.10. INSC supported the **Safety Culture Council of Energoatom** to maintain the annual Improvement Programmes (in place since 2009). These annual Programmes allowed NPPs to develop specific action plans for improving the safety culture and the set-up of self-assessment methods with 'traditional' operational safety indicators. The INSC project also supported Energoatom to be able to independently assess the safety culture management at NPPs based on international best practice. The methods for safety culture management at Energoatom and Ukrainian NPPs were provided through training of staff, developing and maintaining the Company standards, procedures and programme of the practical application of safety culture, all integrated in Energoatom's overall management structure.

The JSO reiterates that the projects on support to the Operator have - since the start of INSC-I in January 2007 – significantly contributed to:

- Safety Culture Improvement,
- Safe Corporate Governance and NPP Management,
- Safe Maintenance Management,
- Safe Operations Management,
- Post Fukushima Stress Testing, and
- Emergency Preparedness and Response.

Guidelines are presented to operator will help to develop systematic criteria for radwaste.

2.11. **SNRIU cooperation** resulted in guidelines **matching the needs** for proceeding with the RW Road Map, and fully aligned to the INSC-II objectives on safe management of RW. The INSC-I projects UK/TS/46 and UK/TS/39 with SNRIU developed four essential guidelines for:

1. safety assessment of radiological impact of the Vector site facilities for RW processing, storage, and disposal;
2. safety assessment of emergency RW temporary storage sites in the Chernobyl exclusion zone;

- sent by SNRIU to licensee;
3. for characterisation, accounting and control of RW; and
 4. the safety re-assessment of existing storage/disposal facilities and criteria of decision-making on subsequent measures.

These guidelines represent the regulatory recommendations for the assessment methodology underpinning the establishment of systematic criteria for RW management including the concept for isolation of high-level and long-lived RW in stable deep geological formations.

At present SNRIU is completing high-level regulatory documents on “General Safety Provisions for Predisposal Management of RW” and “... for Disposal of RW”. Guidelines are planned for more detailed safety requirements under INSC-II project UK/TS/56 ‘Support of the regulatory activity for RW management, decommissioning and remediation.’

Achieved results strengthened competencies of SNRIU and SSTC in the regulation, licensing and inspection of RW management activities.

Main challenges in RW sector are covered in Strategic Road Map.

2.12. Main challenges in the safe management of **RW and spent fuel** in Ukraine concern (i) the temporary storage of large amounts of radioactive waste mainly in places of their generation, (ii) the start of decommissioning of Chernobyl NPP, (iii) the return of vitrified high-level RW from Russia after reprocessing the spent fuel, (iv) the retrieval and remediation measures of near-surface RW storage facilities of 'Radon' located at different regions, and (v) the remediation of the Prydniprovskiy Chemical Uranium processing Plant.

The major part of these challenges is addressed in the Strategic Road Map for RW and spent fuel within in 24 projects (5 not yet contracted under INSC-II).

JC 2.3 INSC-II incorporates lessons from INSC-I to improve mechanisms for effective delivery of results.

The instrument incorporates lessons from INSC-I.

INSC-II considers lessons learned from INSC-I.

2.13. Lessons learned from INSC-I programming and implementation:

1. the safety of the NPPs has improved as a result of the TACIS and INSC-I cooperation and the nuclear safety culture became more in line with the best international practice; hence Energoatom was qualified for a loan agreement with EBRD and Euratom to realise the Safety Upgrade Programme of their NPPs; and INSC-II includes provisions for addressing specific needs (for example the stress test),

2. the competence of the regulatory authority has been enhanced in relation to the NPP operation and the support is to be further redirected to the safe management of radioactive waste, spent fuel and remediation and decommissioning, and
3. the USB was a suitable platform for coordination the INSC-I cooperation and is being continued under INSC-II.

Evaluation findings indicate:

- long time from approval of the programme to contracting partially due to the approval of the Financing Agreement by the Partner Country,
- To date only one INSC-II project has been contracted, hence comparison with INSC-I is not possible.

Conclusions on EQ 2:

- C-2.1** The Ukrainian Nuclear Regulatory Authority, the Operator for the nuclear power plants, and the Organisation for the radioactive waste sector are well established organisation with adequate capacity of their staff to sustain the INSC results and to benefit from the provided assistance.
- C-2.2** INSC Governance is well ensured through establishing a systematic approach to project definition and implementation as well as through measurable results frameworks (logframe). Despite the proper set-up of the national monitoring system, the INSC rarely uses independent monitoring (ROM) and no external project evaluation.
- C-2.3** The INSC with Energoatom managed to establish proper conditions and capacity to allow Energoatom to qualify for the EBRD-Euratom loan for the Safety Upgrade Programme (SUP) for operating NPPs in Ukraine. INSC interventions ensure compliance with internationally accepted safety standards through targeted support to SNRIU and the TSO.
- C-2.4** Ongoing INSC cooperation is in line with the INSC specific objectives and achieving significant results in the following sectors: (a) Regulatory Authorities with SNRIU and TSO, (b) Operator Support through Energoatom, and (c) Radioactive Waste Management. The established Training Centre for Energoatom staff at Zaporozhe NPP together with the Academy for Energoatom managers are most profound achievements from the Operator support sector.
- C-2.5** The Strategic Road Map on radioactive waste management for structuring of the partner's needs has been effective for delivering results. A similar approach for the regulatory assistance is being pursued. To this end, the role of JSO was extended to support preparing and programming interventions for regulator assistance.
- C-2.6** The coordination between regulatory support and industrial projects in the radioactive waste sector requires improvements to have a timely and coherent review under the 2+2 concept (both support to regulator and industrial side by INSC).

Recommendations on EQ 2:

- R-2.1** The ROM review missions need to be more actively requested by the Commission to strengthen the accountability of EU assistance whereas the ROM reforms of 2015 provide the system with an enhanced focus on results framework.
- R-2.2** The Ukrainian Regulator in coordination with the Commission is advised to consider the development of a road map for the regulatory assistance on the basis

of the Strategic Road Map for the radioactive waste sector as managed by the JSO. Application of both road maps is expected to be beneficial for coordination between regulatory support and the industrial projects.

3.3 EFFICIENCY

EQ 3. To what extent is the INSC delivering efficiently?

Summary. The INSC management system by the Commission and Ukrainian partners are experienced to support an efficient implementation. The Commission benefits from the JRC expertise while the Ukrainian partners can rely on dedicated support by JSO. The EU Delegation provides the diplomatic liaison with Ukrainian ministries and the EU.

In total 49 projects are ongoing with 7 projects being prepared and 1 contracted in December 2016. The INSC Operating Guide established by JSO provides proper guidance for the End-Users to take up their responsibility for the INSC Programme Management.

Two adopted laws on licensing of economic activities affect the independence of the licensing decisions of the national regulator SNRIU. SNRIU proposed amendments to these licensing laws. The Ukrainian Parliament refused twice to vote on a generic amendment of the licensing laws. Therefore, SNRIU decided to develop a comprehensive separate law to re-established the independence of licensing actions.

The mechanism developed under INSC-I remains relevant for INSC-II. INSC-II design and practice in Ukraine generally comply with the Agenda for Change and Common Implementation Rules (CIR). Environmental issues are addressed in radioactive waste management projects. Adequate attention is paid to communication and visibility of INSC interventions.

JC 3.1 INSC resources and management systems support efficient implementation.

I-3.1.1 Workload assessment evaluates human resources and capacities (management, technical, administrative) in Unit B5 as adequate for the management of the Instrument.

I-3.1.2 Number and percentage of projects contracted within 12 months from the Financing Agreement.

I-3.1.3 List of performance indicators used to monitor the programme efficiency.

Overall INSC resources and management systems are adequate to support an efficient implementation.

INSC management system by the Commission and Ukrainian partners are experienced to support an efficient implementation.

3.1. The Commission's unit in charge of the INSC Programme involve 7 persons which are supported by JRC while the Ukrainian partners can rely on dedicated support by the JSO. The budget statistics of the nuclear safety programme and the allocation for Ukraine are shown in *Table 5: Budgets of successive EU instruments on nuclear safety cooperation.*

The JSO provides services to cover the complete management cycle on preparing and implementing INSC project in Ukraine. The JSO comprises both long-term and short-term staff including EU and national experts and support staff. In average the JSO involves 5 to 8

experts depending on workload and need of specific expertise. Ukrainian partners appoint project managers according to their procedures and provisions of the terms of reference while always involving international departments for overall coordination. The EU Delegation provides the diplomatic liaison with Ukrainian ministries and the EU.

JSO experts provide a clear focus on the strategy of INSC, allow for proper consideration of various interests of the Stakeholders.

Table 5: Budgets of successive EU instruments on nuclear safety cooperation

| EC Financed Nuclear Safety Projects in Ukraine | | | | | |
|---|-------------|---------------|--------------------|--|-------------------|
| EC Instrument | | Status | Total m EUR | Ukraine m EUR | Percentage |
| TACIS | 1991 - 2006 | Delivered | 1 260 | 626 | 50 |
| INSC-I | 2007 – 2013 | Delivered | 524 | 261 | 50 |
| INSC-II | 2014 - 2020 | Committed | 225 | ^{1.} 21 ¹⁾ + 30 ²⁾ | 10 ¹⁾ |

Notes: 1) Concerns committed amount as of 31 December 2016.
2) Contribution for Chernobyl Shelter Fund in addition to INSC-II budget.
Source: JSO Kiev.

Table 6. Ongoing TACIS / INSC-1 projects and planned INSC-II projects in Ukraine

| Sector: AAP | TACIS | | | | INSC-I Ongoing | | | | INSC-II Not yet contracted | | | Total per Sector |
|---|--------------|----------|----------|----------|---------------------------|----------|----------|----------|---------------------------------------|----------|----------|---------------------------------|
| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | |
| Regulatory Authorities | | | | | 1 | 1 | 1 | | 1 | 1 | | 5 |
| Radioactive waste | 1** | | 1 | 2 | 3 | 5 | 7 | | 4 | | 1 | 24 |
| Support to Operator | 5* | 1 | 2 | 5 | 1 | | 1 | | | | | 15 |
| Social project on Chernobyl | | | | | | 2 | | | | | | 2 |
| Horizontal issues (JSO) | | | | | | | | 1 | | | 1 | 2 |
| Total number of ongoing projects | 6 | 1 | 3 | 7 | 5 | 8 | 8 | 1 | 5 | 1 | 2 | 49 |

* only warrantee periods are not finalised.

** U4.01/06W On long-length waste cutting facility at Chernobyl NPP – terms of termination being negotiated by ChNPP and Contractor.

In total 49 projects are 3.2. ongoing with 8 projects being prepared.

In total 49 projects are ongoing (see *Table 6. Ongoing TACIS / INSC-1 projects and planned INSC-II projects in Ukraine*) at 1 December 2016 with 5 of the projects being in the warranty period only and two project were cancelled/ redesigned. Under INSC-II 8 projects have been prepared for AAP 2014, 2015, and 2016. At 1 December 2016, the programmed projects under

INSC-II in Ukraine have not yet started due to the following reasons:

1. The 2014 Financing Agreement (FA) was only adopted by Ukraine on 6 November 2015,
2. The 2015 FA is not yet adopted by Ukraine,
3. Regulatory Project U3.01/14 and U3.01/15 will be implemented in a single contract, hence FA 2015 is required before contracting,
4. RW Project U4.01/14A is awaiting reclassification of salt-cake RW stored at NPPs before the Contract TOR can be completed,
5. RW Project U4.01/14B for developing a National Plan for deep geological disposal is awaiting input from the regulatory review of project U4.01/9B that was completed September 2016,
6. RW Project U4.01/14C on comprehensive safety assessment of all RADON sites; Contract TOR is being developed by End-User,
7. RW Project U4.01/14D detailed design of RW processing building and Rail head for Vektor Site is awaiting input from project 11A anticipated in first quarter of 2017.

Mechanisms for efficient project implementation are outlined in JSO operating guide for INSC.

3.3. The **INSC Operating Guide**⁸¹ as established by the JSO provides an appropriate guidance for the End-Users to take up their responsibility for the INSC Programme Management in identifying, planning, developing and implementing INSC projects. The INSC management structure for Ukraine is outlined in the guide with the USB, the task force for radioactive waste management, and the joint working group for coordinating the support to the operator. Mechanisms outlined in the guide comprise inter alia appraisals needed for technical, contractual and financial resolutions. The guide provides a good focus for programming new projects on radioactive waste management, decommissioning and remediation. The guide continues to be relevant for the completion of projects supporting the Operator as INSC-II limits this support to special areas only (for example the stress test). The Guide provides a good basis for elaborating the JSO support to SNRIU as decided in February 2015.

The JSO supports the preparation of action documents and ToRs.

3.4. The JSO supports the preparation of action document ensuring the appropriateness of each document in regards to content, suggested implementation logic, project management requirements, reporting, etc. After approval of the Financing Agreement by the national Authority, the Ukrainian Beneficiary is responsible for preparation of the ToR.

⁸¹ INSC Operating Guide, INSC End-User Guidance Document, JSO, (Rev3. April 2014).

The JSO supports the Beneficiary/ End-User to prepare a high-quality ToR which meets all EC requirements. The ToR include a clear definition of the responsibilities of the Contractor and of the Beneficiary/ End-User. The ToR propose Key Performance Indicators (KPIs) as project milestones that are to be further developed by the Contractor in their proposal and agreed in the inception report.

ROM reviews noticed the need for improving the project intervention logic.

3.5. Analysing ROM reports of INSC-I projects show that the project intervention logic in the ToR is adequate. However, the logframe for projects is generally not in line with the Project Cycle Management guideline⁸² as indicators mainly relate to the direct outputs and not to the successive outcomes. Baselines and target values are often missing. It is recognised that establishing clear verifiable indicators is a particular challenge for safety culture, human factors and support to SNRIU in licensing of RW facilities. In this evaluation, a detrimental effect of the omission of fully aligned indicators in logframes has not been determined. However, in comparing this Instrument with other EFIs such use would be beneficial.

New laws jeopardise Independence SNRIU. Concerns expressed by MS and follow-up given by EC and EEAS.

3.6. The independence of SNRIU as stipulated by the Convention on Nuclear Safety is recently at jeopardy due to two adopted laws⁸³ which regard nuclear facilities as any other economic activity for which the licensee can appeal in court against regulatory decisions, and the licensee can be entitled to an indefinite license – not the practice in nuclear licensing. These Laws did not change the independent status of the regulatory body as such but affected the independence of the licensing process. According to a recent decision by SNRIU, a separate Law on the National Commission for Nuclear Regulation is being prepared to correct the license issue and re-establish independence.

The actions to correct the legislation on the independence of national regulator is being given political support at highest level as the issue needs to be solved promptly. Due to this uncertainty, some planned INSC projects on regulatory assistance are at risk to be postponed or cancelled indefinitely by the Commission after consultations with the MS. The EC shares the concerns of the Member States. Hence the EC gives close follow-up to the issues of SNRIU's independence and also the availability of resources. Joint actions with the European External Action Services are on-going to address the identified deviation.

⁸² Project Cycle Management (PCM) Guidelines, Vol. 1, Aid Delivery Methods, EC, 2004.

⁸³ "On Basic Principles of State Oversight of Economic Activity" (2014), "On Licensing Economic Activities" (2015).

SNRIU capacity needs 3.7. to be further enhanced.

The **capacity of SNRIU** is not fully sufficient for meeting their responsibilities. The allocated State Budget is modest compared to its functions, especially taking into account the extension of its responsibilities to address the rapidly developing RW sector. Trained staff may leave the regulator for more competitive salaries. Therefore, the support provided through the INSC and by other Donors continues to be essential for the capacity building of the Regulator and for its ability to meet international requirements and standards.

Court of Auditors identifies EuropeAid's procurement website as best practice. Enlarging project size may exclude SME.

3.8. Public procurement is at the basis of achieving smart, sustainable and inclusive growth while ensuring the most efficient and effective use of public funds according to the special report of the European Court of Auditor (ECA)⁸⁴. Public procurement rules are designed to benefit both economic operators and contracting authorities. More competition should then result in better value for money for the taxpayer.

The ECA report identifies the internet site of the Directorate-General for International Cooperation and Development of the European Commission as best practice, since all necessary information is available and the system for searching is user friendly and advanced. In addition, guidance and e-learning are available and detailed guidelines for procurement procedures as well.

The pursuit of the Commission for enlarging the project's size may reduce the administrative burden to their staff. However, this process opposes the ECA recommendations to explicitly encourage the participation of Small and Medium-sized Enterprises (SME) and to divide contracts into lots wherever possible to increase participation in the procurement. The larger a contract, the less likely it will be awarded to SMEs.

Special considerations are to be given to ensure that EU best practices will be transferred and that contracting eligible companies in partner countries is supportive to commitment, ownership and sustainability.

Governance mechanism for Chernobyl projects includes the required elements for adequate project implementation under strong leadership by EU.

3.9. The Governance mechanism for implementing the Chernobyl projects through indirect management by EBRD involves the set-up of two multilateral funds: the Chernobyl Shelter Fund (CSF) and the Nuclear Safety Account (NSA). Key projects are for the CSF - the New Safe Confinement (NSC) and for the NSA - the Interim Spent Fuel Storage Facility-2 (ISF-2).

The employer is Chernobyl NPP, assisted by a Project

⁸⁴ Special Report No. 17 of the European Court of Auditors (ECA) concluded that 'The EU Institutions can do more to facilitate access to their public procurement' (also title of report), 2016.

Management Unit composed of ChNPP staff and an international consultant. This set-up also includes an external monitoring consultant to independently monitor the costs and schedules of the NSC and ISF-2 projects until completion. The Monitoring Consultant is also responsible for assessment and follow-up of the risk management strategies and quality assurance measures.

The Governance includes the Chernobyl Contact Group comprising the G7 group, the EU Member States and other governments. The Commission has exercised strong leadership in the G7 fora and in the Assembly meetings of CSF, and NSA. Historically, in financial terms there has been a large multiplication of the Commission's contributions to multilateral funds through successful fundraising as addressed under EQ-6 together with the financial leverage.

JC 3.2 Instrument improved its mechanisms to support implementation performances from INSC-I to INSC-II.

I-3.2.1 List of INSC recommendations of evaluation report and impact assessments related to improvement of performances taken into account in INSC-II.

I-3.2.2 *Comparison of period from Action Document approval to contracting between INSC-I and INSC-II of INSC recommendations of evaluation report and impact assessments related to improvement of performances taken into account in INSC-II.*

The evolution from INSC-I to INSC-II takes into account the findings to improve performance. Measures do address a more efficient project implementation through enlarging the project size and avoiding the need for a Financing Agreement where possible. As only one project of INSC-II has been contracted in December 2016, the improved performance for INSC-II cannot yet be measured.

INSC-II implementation mechanisms are built on INSC-I.

3.10. The **transition from INSC-I to INSC-II** did not require changes to the existing implementation mechanisms and did not affect the performance. Although cooperation with the operator is no longer a priority, the available management structure is adequate to continue the cooperation in the radwaste sector and with the Regulator. The JSO structure could be beneficial for cooperation on Safeguards and related interventions programmed under the IcSP and the Centres of Excellence on CBRN⁸⁵.

Mechanism developed under INSC-I remains relevant for INSC-II.

3.11. **Involved Ukrainian institutions** have developed sufficient capacity, experiences and knowledge on project management during the cooperation in INSC-I (and TACIS as well). JSO services properly cover the complete project cycle management of the INSC programme in Ukraine and provide a clear focus on the strategy of INSC, allow for proper consideration of var-

⁸⁵ Chemical, Biological, Radioactive, and Nuclear Threats.

ious interests of the Stakeholders, and encourage the ownership of project outcomes.

The accumulated experience on the project cycle management need to be more actively transferred to the Ukrainian partners through training courses and possibly on-the-job training at the JSO premises.

JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, environmental mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility.

I-3.3.1 How many action documents (number and %) in INSC-II take into account promotion of: (1) Flexibility/Speed of Delivery, (2) Ownership, (3) Climate and Biodiversity Mainstreaming, (4) Human Rights and Fundamental Freedoms, (5) Effective and Efficient Implementation Methods, and (6) Visibility.

I-3.3.2 Comments for QSG 2014, 2015 and 2016 address issues as mentioned in I-3.3.1.

Other EU priorities (i.e. strong institutions, preserving peace and conflict prevention).

The analysis of the six-relevant cross-cutting issues identified by CIR shows that, in practice, INSC-II responds satisfactorily to CIR requirements. Particularly the Instrument makes very significant contributions to a better environment, good sector governance, and promotion of ownership.

INSC-II design and practice in Ukraine generally comply with Agenda for Change and Common Implementation Rules (CIR).

3.12. Overall, **INSC-II design and practice generally comply** with the Agenda for Change and Common Implementation Rules (CIR)⁸⁶. The INSC-II Regulation refers to 50% of the topical Articles of the CIR and the compliance to these articles is adequate. Cross-cutting issues in the Action Documents (2015, 2016) are given an increased attention as the applicable template contains specific “CRIS DAC⁸⁷ Markers” which indicate a ‘significant contribution’ for good sector governance (100%) and for some ADs also better environment.

The Instrument is also well-aligned for aspects of flexibility/speed of delivery and promoting ownership. Gender mainstreaming is not identified for Ukrainian ADs.

The alignment of the Instrument with cross-cutting issues is limited mainly due to the low relevance of topics as human rights and climate change. However, there is scope for improved attention to the cross-cutting issues in the design.

Using the PAGODA agreement support an expedient contracting and implementation.

3.13. The **PAGODA agreement** between EC and Science and Technology Centre of Ukraine (STCU) was signed in December 2016 for the remediation of the Prydniprovskiy Chemical Plant (see also EQ 1). This

⁸⁶ Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

⁸⁷ Common RELEX Information System - Development Assistance Committee of OECD.

set-up uses the already existing capacity and expertise of STCU which is expected to speed-up the simplified contractual arrangements and contribute to a more efficient implementation process.

Environmental issues addressed in RW management projects. 3.14. **Environment Mainstreaming** is applied in all the INSC-II projects on RW management. Examples relate to the Industrial Complex facilities at the Vektor Site, the disposal facility Buriakovka, and the remediation of problematic 'Radon' facilities. All projects are contributing to the implementation of the State Ecological Programme and are designed to comply with the Ukrainian and international environmental requirements.

Adequate attention is paid to communication and visibility of INSC interventions. 3.15. Each Ukrainian partner involved in the INSC (SNRIU, SAMEZ, Energoatom) have well developed and regularly updated websites on EU and international cooperation addressing information and main achievements of INSC projects. The JSO website includes results of completed Ukrainian projects as well as an active link to the JRC website. The EU Delegation in Ukraine maintains an active network with journalists for communication on major events of EC interventions. As an example, the EU delegation issued on the occasion the Chernobyl Shelter 'Sliding event' (29/11/2016) a press release and brochure highlighting (i) opening of the EUR 14 m training centre in Zaporozhe, (ii) the Chernobyl social projects (initiated by EU Parliament), and (iii) the clean-up actions to be started to remediate the legacy of radiological hazards.

Conclusions on EQ 3:

- C-3.1** ROM reviews noticed the need for improving the project intervention logic as the logframe for projects is generally not in line with the Project Cycle Management guideline because indicators mainly relate to the direct outputs and not to the successive outcomes.
- C-3.2** The Ukrainian Parliament refused twice to vote on a generic amendment of the licensing laws to re-establish the independence of the licensing decision by the Ukrainian Regulatory Authority. SNRIU decided to develop a comprehensive separate law that will correct inter alia this licensing issue.
- C-3.3** The State Budget allocated for SNRIU is modest compared to its functions. Low salaries lead to the situation that trained staff leave the regulator. The support provided through INSC continues to be essential for capacity building of the Regulator to meet international requirements and standards.
- C-3.4** The transition from INSC-I to INSC-II did not require changes to the existing implementation mechanisms and did not affect the performance.
- C-3.5** Governance mechanism for Chernobyl projects includes the required elements for adequate project implementation under strong leadership by EU.
- C-3.6** The JSO established a well-functioning service for partners that covers the complete project cycle management for preparing and implementing the INSC programme in Ukraine that encourages the ownership and commitment of the national stakeholders. An effective capacity building is provided by the JSO organisation being certified under ISO 9001.

Recommendations on EQ 3:

- R-3.1** During the preparation of the ToR and in the Inception Phase, more attention should be paid to the formulation of indicators at the outcomes level including establishing baselines and target values.
- R-3.2** The Ukrainian Regulator is advised to speed up the preparation of the separate law on the national nuclear regulation that will correct inter alia the licensing issue.
- R-3.3** The Ukrainian Government needs to allocate adequate resources to SNRIU and to provide for competitive salaries to retain professional staff and to ensure a sustainable impact of the assistance.
- R-3.4** The use of the JSO structure could be beneficial for cooperation on Safeguards and on interventions programmed under the IcSP with the Centres of Excellence on CBRN.
- R-3.5** A more active transfer of accumulated experience to Ukrainian partners is advised especially taking into account the extension of JSO support to SNRIU.

3.4 VALUE ADDED**EQ 4. To what extent do the INSC programmes add value compared to interventions by Member States or other key donors?**

Summary. The nuclear safety cooperation in Ukraine under the INSC fosters unique added value as its distinctive features allow opportunities for intervention in the nuclear safety sector well beyond the capabilities of the Member States and other donors. In particular:

- (i) Support by its institutional framework and engagement in international collaborations allows INSC to act at a global level, featuring specialized know-how and expertise of EU MS;
- (ii) The relatively large financial allocation to Ukraine and continuity of nuclear safety cooperation with a track record of over a quarter of a century; and
- (iii) Contracted Consortia include best expertise of EU MS adding value in the different thematic sectors in Ukraine as compared to actions by single MS. Involving consortia represent major EU regulatory authorities and their TSOs thereby ensuring transfer of well-targeted regulatory practices to Ukraine.

JC 4.1 INSC adds value compared to interventions by Member States or other key donors.

I-4.1.1 Projects are implemented by consortia which give added value compared to bilateral projects.

- Number of consortia involved in the sample of projects, if contracted.
- Average number of MS and Development Partners involved in these consortia.
- INSC budget as compared to the sum of partners' budgets for nuclear safety projects.

I-4.1.2 Extent to which INSC adds value in terms of specialized technical expertise;

- Number of specialised training courses implemented (including On-the-Job-Training);
- Number of trainees enrolled in the courses.

The Instrument fosters unique added value as its distinctive features allow opportunities for intervention in the nuclear safety sector well beyond those of Member States and other donors.

INSC set-up adds value as compared **4.1.** **The INSC adds value to** its interventions compared to actions by Member States through the strong institu-

to actions of the Member States.

tional framework, size of interventions, and continuity over time.

- The INSC nuclear safety interventions in Ukraine benefit from the EU and Euratom institutional framework, including specialised expertise of JRC, ENER, and WG1 of ENSREG.
- The Instrument's institutional arrangements allow mobilizing a unique level of specialized expertise, to optimise know-how and to enter into larger scale interventions that would not be possible by individual Member States (MSs).
- The EU offers budget resources for cooperation well beyond the reach of MSs and was the co-founder of two multilateral funds to address Chernobyl issues. The EU's contribution to the Chernobyl Shelter Fund is nearly double that of the US contribution and four times larger than the largest contribution by a single MS (France).
- Bilateral cooperation between Ukraine and EU MS has been rather limited and cannot be compared with the comprehensive cooperation with EU interventions on nuclear safety.
- EU nuclear safety actions in Ukraine started in the early 1990s and have since continued and provided a sustainable impact on nuclear and radiation safety in Ukraine.

Contracted Consortia include best expertise of EU MS adding value as compared to actions by single MS.

4.2. High expertise on nuclear safety of the EU Member States is transferred to Ukraine through contracting consortia representing well acknowledged companies. For example, the MS-companies involved in ongoing INSC projects in Radioactive Waste Management in Ukraine at 31 December 2016 are:

| | |
|-----------------------|--|
| Czech Republic | Envinet |
| France | ANDRA, AREVA |
| Germany | Brenk, DBE Technology, GRS, Karlsruhe Institute of Technology, Nukem, Plejades, RWE, Wismut |
| Netherlands | COVRA |
| Ukraine | Proatom, Kiep, Ukrainian Centre of Environmental and Water Projects |
| Spain | Empresarios Agrupados, ENRESA, |
| Sweden | Facilia, SKB, Westinghouse |

Consortia involved in the implementation of INSC projects in the RW sector in Ukraine comprise in total 17 companies from six EU Member States. These companies represent mainstream expertise in the EU countries and provide added value to the RW sector in Ukraine.

Added value to the sectors: Regulatory Authority, Operator, and Radioactive

4.3. INSC cooperation adds value in the following sectors:
Assistance to Regulatory Authority (SNRIU and TSO):

1. Assistance by consortia representing major EU regulatory authorities and their TSOs thereby ensuring that the

waste management.

- highest safety standards are being transferred with the services provided to SNRIU and the TSO,
2. DG ENER added value in organising the peer review process of the stress test of Ukrainian NPPs through participation of experts from regulatory bodies in ENSREG,
 3. Support to the cooperation between SNRIU and WENRA allowing the alignment of Ukrainian legislation and regulation on nuclear and radiation safety with standards and practices as applied by WENRA members (SNRIU became member of WENRA in 2015),
 4. Customising the RODOS system for Ukraine enhancing SNRIU's capacity in emergency preparedness and response for national and cross-border emergency management and rehabilitation,
 5. Planned transposition of EU directives in Ukrainian will add value to the nuclear legislative framework.

Support to the Operator (Energoatom):

1. Consolidation of existing approaches and methods for safety culture management at Energoatom and Ukrainian NPPs in line with best EU practices and the IAEA INSAG-12 document⁸⁸, as introduced in company standards and programmes,
2. All INSC-I projects for support to the operator contribute to improved safety in the field of corporate governance and NPP management, whilst nearly 60% contribute to safety improvements in NPP maintenance with state of the art training practices (Zaporozhe training centre).
3. Developed training materials within INSC projects on safety culture and human factor are to be used at the Zaporozhe National Training Centre being the focal point in Ukraine, and
4. Promoted the principle of international peer reviews (OSART mission) which is now applied by Energoatom in their request for a 2016 WANO peer review mission.

Assistance to Radioactive Waste Management (SAMEZ):

1. Set-up and annual updates of the Strategic Road Map for RW management contributing to the implementation of two national programmes⁸⁹ as managed by SAMEZ, the beneficiary for all RW management projects in Ukraine,
2. Transferred EU know-how on siting, design, construction, and operation of facilities for RW management, interim storage and disposal, and
3. Support the licensing of RW management facilities having added value to both the operator and the regulator.

Clear added value in creating the New Safety Confinement

- 4.4. The construction of the **New Safe Confinement at Chernobyl NPP** (often referred to as Chernobyl Shelter) is an example of how the EU cooperation adds value in

⁸⁸ IAEA International Nuclear Safety Advisory Group (section 3.1.1) "Basic Safety Principles for NPPs", 1999.

⁸⁹ State purpose-oriented environmental programme for radioactive waste management and the Programme on Chernobyl NPP decommissioning and transformation of Shelter object into ecologically safe system.

at Chernobyl.

leveraging efforts and contributions of other donors. This action is well beyond the reach of EU Member States.

The added value specifically comprises:

- Expertise of combined EU member states and others to establish the technological infrastructure, and
- Facilitation of funds generation through pledging conferences.

Training centre at Zaporozhe provides added value for nuclear safety.

4.5. The establishment of the **Training Centre at Zaporozhe NPP** by joint efforts by Energoatom and the INSC provided clear added value for enhancing the nuclear safety culture. The centre is the first of its kind in the world, providing Energoatom with a number of full scope simulators, including a full scope (single loop) VVER 1000 MW Reactor Pressure Vessel, Primary Coolant Circulating Pump, Steam Generator, Pressuriser, as well as connecting pipework and other essential equipment.

As declared by the EU Ambassador to Ukraine: "The European Union and Ukraine see this unique Training Centre as a very important corner stone in our long-lasting cooperation on nuclear safety. With this Centre, the EU and Ukraine demonstrate their joint commitment to a stronger nuclear safety culture worldwide" (press release; Energodar, 20 October 2015).

Operation of the RODOS system adds value to cross-border emergency management.

4.6. The operation of the **RODOS system** benefits from the experience acquired with the implementation and operation of the system in other European countries. Customising the RODOS system for Ukraine enhances the capacity of SNRIU in emergency preparedness and response for national and cross-border emergency management and rehabilitation (U3.02/08).

Exchange of radiological monitoring data on the basis of DG ENER platform could give added value.

4.7. **Exchange of radiological monitoring data** through EURDEP (EUropean Radiological Data Exchange Platform) is agreed with Ukraine and Belarus.

Considering the EC nuclear safety cooperation with Ukraine (Euratom-EBRD) DG ENER could also provide valuable advice to Ukrainian organisations through organising an expert advisory mission.

Conclusions on EQ 4:

C-4.1 The INSC adds value to its interventions compared to actions by Member States through the strong institutional framework, size of interventions, and continuity over time. Bilateral cooperation between Ukraine and EU MS has been rather limited and cannot be compared with the comprehensive cooperation with EU interventions on nuclear safety.

C-4.2 The Instrument's institutional arrangements allow mobilizing a unique level of specialized expertise, to optimise know-how and to enter into larger scale interventions that would not be possible by individual Member States (MSs).

- C-4.3** The EU was the cofounder of two multilateral funds to address Chernobyl issues. The construction of the New Safety Confinement at Chernobyl NPP is an example of how the EU cooperation that adds value well beyond the reach of individual EU countries. The EU has been the largest contributor to this fund (nearly double that of the US contribution).
- C-4.4** The establishment of the Training Centre at Zaporozhe NPP by joint efforts by Energoatom and the INSC provided clear added value for enhancing the nuclear safety culture.

3.5 COHERENCE, CONSISTENCY, COMPLEMENTARITY AND SYNERGIES

EQ 5. To what extent does INSC facilitate coherence, consistency, complementarity and synergies (CCC&S) both internally between its own set of objectives and programmes and vis-à-vis other EFIs (see also INSC Regulation, Article 4)?

Summary. The INSC mechanisms and management processes support a sound level of coherence, consistency, complementarity and synergies throughout strategy, programming and implementation. QSG, Interservice Consultation, INSC Committee meetings with WG1 ENSREG and JRC support are conducive for internal coherence and complementarities. The functioning of the USB co-chaired by the Commission and Ukrainian Partners, as well as the support provided by JSO ensure further coordination. Coherence with other EFIs is not explicitly mentioned in the ADs.

Coordination and interactions between INSC and IcSP is facilitated by the management in the same Unit of both instruments and common support from JRC. Complementarity of INSC-II with other instruments is not obvious at pre-sent due to its special technical nature. When needed, such coordination is pursued by the EU Delegation in Ukraine that is also responsible for the management of other decentralised instruments (ENI).

JC 5.1 The INSC set-up and processes are conducive to promote CCC&S.

I-5.1.1 Number and percentage of Action Documents and ToR of INSC- II taking into account issues of complementarities and synergies.

I-5.2.1 Number of Action Documents referring to complementarities with EFIs.

INSC mechanisms and management processes support a good level of coherence, consistency, complementarity and synergies throughout strategy, programming and implementation. Action Documents for Ukraine do not provide specific complementarity arrangements with other EFIs and donors interventions as the instrument addresses specific nuclear safety issues.

INSC pursues coherence through transfer of high nuclear and radiation safety standards.

5.1. The INSC promotes the transfer EU experience to the national regulatory authority and its TSO in regulation, licensing and inspection. This support is particularly important as most designed RW facilities in the Chernobyl zone are unique, and the Operator and Regulator could benefit from international know-how, technology and review.

The national policy priorities are gradually refocussing to the safe management of RW as the safety of nuclear power utilisation is now mostly properly aligned with EU practices.

INSC areas of intervention are coherent with the na-

tional priorities and strategy in the area of safe management of RW, the remediation and decommissioning and are coherent with the national strategy and the international commitments of Ukraine.

At the same time, the Ukrainian Government further pursues the approximation to the nuclear acquis with the relevant EU Directives and the WENRA reference levels.

Energatom’s international cooperation is building on INSC outcomes.

5.2. Energatom explores further improvements of the operating NPPs based on an international cooperation. Energatom and Westinghouse agreed to begin work on a Safety Optimization Program (SOP)⁹⁰. This SOP will additionally bring significant operating improvements to Ukraine’s nuclear power plants and complement the Safety Upgrading Programme under the Euratom-EBRD loan. The SOP will deliver continued safety improvements to the Ukrainian nuclear fleet that will meet the highest international safety benchmarks as well as specific requirements associated with the EU’s standards as specified by WENRA.

Energatom requests international peer review by WANO.

5.3. Energatom requests international peer review by WANO. This review is performed by the WANO’s Moscow and Paris Centres and as such it is the first “cross-regional review”. Energatom regards the review on the Rovno NPP as “very useful” which can be considered as a follow-up of the IAEA OSART mission to Rovno NPP in 2008.

Energatom demonstrates compliance of its management system with international standards.

5.4. Energatom management system is certified according to the following international standards:

- EN ISO 9001:2008 “Quality Management Systems. Requirements”;
- EN ISO 14001:2004 “Environmental Management System, Requirements and Recommendations for Implementation”;
- BS OHSAS 18001:2007 “Occupational Safety and Health Management System”.

A recent review in October 2016 concluded that Energatom’s Integrated Management System remain in compliance with mentioned international standards.

Ukrainian TSO participates in Euratom R&D programmes.

5.5. TSO of Ukrainian Regulatory Authority (SSTC/ State Scientific and Technical Centre) participates in the Euratom Research and Development programmes.

⁹⁰ Westinghouse and Energatom Joint Statement on Safety Optimization Program and Enhancement of Safety for Ukrainian Nuclear Fleet on 30/Sept. 2016.

During the period 2013-2016, SSTC is contributing to the following projects under the 7th Framework Programme:

1. "Advanced Safety Assessment: Extended PSA".
2. "PREPARE: Innovative integrative tools and platforms to be prepared for radiological emergencies and post-accident response in Europe".
3. "Spent Fuel Pool behaviour in loss of coolant accidents".

The exchange of know-how and experience will enhance the competence of SSTC and their support to the Regulatory Authority.

Convention summary reports provide good external view on status on sectors.

5.6. The **triennial peer review of the Convention** on Nuclear Safety and the Joint Convention can be considered as an external view on the state of the nuclear safety culture and the radioactive waste management. The conventions' summary reports provide an overview of the present status on the sector and key points for the near future. However, the INSC-II Multiannual Indicative Programme (MIP) does not take full advantage of these overviews and other status report (IAEA).

JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs.

I-5.2.1 Number of Action Documents referring to complementarities with EFIs.

INSC-II is well coordinated with other EFIs while the scope for complementarities is limited due to the special technical nature of the instrument. There is further scope for coordination between INSC and IcSP on nuclear safety and security issues. No significant interactions with other instruments have been identified.

Mechanisms are in place to ensure complementarity between INSC-II and other EFIs.

5.7. The INSC has in common with other Instruments a contribution to safe and healthy living conditions for the well-being of present and future generations. However, the INSC's specific objectives on nuclear safety have no direct overlap with other EFIs.

The only instrument for which scope for complementarities exist is IcSP, given the strong link between safety and security. Coordination and interactions between INSC and IcSP is facilitated by the management of both instruments by the same Unit at the Commission and common support from JRC.

Complementarity with ENI concerns areas of good governance, environmental protection, civil society, and policy dialogue. In Ukraine, sound coordination has been established between the responsible DGs of the Commission. So far, complementarities between INSC and ENI have been relatively scarce, providing scope for exploring and strengthening synergies between INSC and ENI. When needed coordination

could be pursued by the EU Delegation in Ukraine that is responsible for the management of ENI.

EU Delegation in Ukraine supports complementarity with other EFIs.

5.8. The **EU Delegation in Kiev** ensures coherence and consistency with other EFIs and provides non-technical support to complement the Commission's roles in the following areas: (i) administrative support, (ii) support to the political dialogue, (iii) project registration, and (iv) visibility of INSC interventions.

INSC is integral part of EU neighbourhood policy.

5.9. European Court of Auditors (ECA) special report on Ukraine (Dec. 2016) highlights the EU-Ukraine cooperation being part of the European neighbourhood policy and its eastern dimension. From 2007 to 2015, EU financial assistance comprised EUR 1.6 b in grants, half of this in the form of budget support, and EUR 3.4 b in macro-financial loans. The INSC contribution in this period is EUR 224 m, and the IcSP is EUR 54 m.

Social project in Chernobyl was launched on advocacy by the European Parliament.

5.10. A **social project** addressing the consequences of the Chernobyl accident (U6.01/11) was programmed in response to advocacy by the European Parliament. This project under INSC-I addresses the health and well-being of the population in the regions affected by the Chernobyl accident.

a. **Hospital equipment** for body scans of children and pregnant women in the Ivankiv district, west of the exclusion zone, with over 4000 persons examined to date. Local authorities supported the renovation of the hospital with 4.6 m UAH as of the end of 2016.

b. **Greenhouse** for growing vegetables for the region under controlled conditions to provide access for the population to non-contaminated food and avoid re-contamination.

c. **Pilot incinerator** for radioactively contaminated wood to establish forest fire lanes in the exclusion zone to combat fires and the spread radioactive Caesium over large distances. Ash and filters are managed as radioactive waste. The heat may substitute other fuels.

This EUR 5.3 m programme complements actions by the local and national authorities and provides a clear impact to the local population with potential for roll-out.

JC 5.3 INSC is adequately set to ensure CCC&S with other IFIs and International organisations.

I-5.3.1 Number of Country strategies, AAP and project design procedures, exploratory missions, include provisions to allow a sound coordination, complementarities and synergies vis à vis Development Partners.

/

NSC-II actions are well coordinated with international organisation including EBRD.

STCU Expertise is used under a PAGODA agreement with international organisation.

5.11. Implementation set-up of the project on the remediation of the Prydniprovskiy Chemical Plant allows for a close involvement of the STCU under a PAGODA agreement. The available STCU infrastructure and expertise will be fully utilised.

EBRD principles coherent with EU.

5.12. EBRD principles aligned with EU with most notably through the Environmental and Social Policy⁹¹ “to promote in the full range of its activities, environmentally sound and sustainable development”. The EBRD's Procurement Policies and Rules are based on the fundamental principles of non-discrimination, fairness and transparency. They are designed to promote efficiency and effectiveness and to minimise credit risk in the implementation of the Bank's lending and investment operations.

Conclusions on EQ 5:

C-5.1 The INSC mechanisms and management processes support a sound level of coherence, consistency, complementarity and synergies throughout strategy, programming and implementation.

C-5.2 INSC-II is well coordinated with other EFIs while the scope for complementarities is limited due to the special technical nature of the instrument. Complementarities exist between INSC and IcSP on nuclear safety and security issues. Their coordination is facilitated by management of both instruments by the same unit of the European Commission and common support by the JRC of the European Commission.

C-5.2 Complementarities between INSC and ENI have been relatively scarce. When needed coordination could be pursued by the EU Delegation in Ukraine that is responsible for the management of ENI.

3.6 LEVERAGE

EQ 6. To what extent has the INSC leveraged further funds and/or political or policy engagement.

Summary. The EU-Ukraine Association Agreement pursues regulatory reforms aligned to EU directives rules compliant to the priority shared by Europe 2020 and INSC-II. INSC has taken the lead in implementing challenging large scale programme on the Zaporozhe Training Centre and effectively pursued commitments for co-financing by Ukraine.

The EU substantially contributes to the Chernobyl Shelter Funds and the Nuclear Safety Account that are managed by the EBRD and used for implementation of large scale Chernobyl projects.

Other examples of leveraging include Chernobyl social projects and cooperation with the G8 Global Partnership Programme.

⁹¹ Environmental and Social Policy, as approved by the Board of Directors at its Meeting on 7th May 2014.

JC 6.1 INSC has leveraged political and policy engagement.

I-6.1.1 Instances of INSC actions leveraging political and policy engagement, including regulatory independence and competence for Partner Countries, commitment of staffing and resources, and ratification of conventions and treaties:

- Number of pieces of national Legislation brought in line with the EU acquis (in particular to be expected for countries (pre)accession and with an association agreement);
- International agreements adopted (signed or ratified).

I-6.1.2 Instances when INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety.

Euratom directives being transposed in national legislation.

6.1. The **EU-Ukraine Association Agreement** pursues regulatory reforms aligned to EU directives rules compliant to the priority shared by Europe 2020 and INSC-II. Three nuclear safety Directives (BSS, NSD, and Transport) are being transposed in national legislation.

Based on EU expertise through projects UK/TS/46 and UK/TS/39, SNRIU developed four essential guidelines for RW management (see paragraph 2.11).

The EU continues to take a leading role with support of the Member States in the policy and political dialogue to correct the independence of the Ukrainian Regulatory Authority (see par. 3.6).

Zaporozhe Training Centre project leveraged safety culture ownership and co-financing by Ukrainian side.

6.2. INSC has taken the lead in implementing challenging large scale programme on the **Zaporozhe Training Centre** and effectively pursued commitments for co-financing by Ukraine. Through this project Energoatom demonstrated good ownership of safety culture through a substantial contribution of UAH 900 m (around EUR 40 m) to the completion of the centre, while the EU budget was EUR 14 m (see par. 2.9); with an effective leverage ratio of 3. This National Training Centre is an advanced nuclear power unit maintenance training facility equipped with a full-scale simulator of a VVER nuclear unit. The Centre allows NPP maintenance staff to use a large variety of equipment models in simulated conditions. The Centre will also provide maintenance staff training based on best international practices. Additionally, the Training Centre project promoted the establishment by Energoatom of the Academy for Nuclear Power Engineering Managers.

JC 6.2 INSC has leveraged additional funds to support Nuclear Safety.

I-6.2.1 Number of blending operations and co-financing agreements (PAGODA) promoted by INSC actions, their value and leverage ratio.

I-6.2.2 Instances of increased Partner Countries and Development Partners' financial commitments to Nuclear Safety in the period of INSC implementation. (Increase in budget for nuclear safety in partner countries).

EU contribution to Chernobyl projects leverages substantial

6.3. The **EU substantially** contributes to the **EBRD funds** for projects related to the Chernobyl accident. **Two major funds** have been set up:

other contributions.

- A. The **Chernobyl Shelter Fund** (CSF) established in 1997, and finances the Shelter Implementation Plan (SIP) which is to transform Chernobyl unit 4 into an environmentally stable condition. The key project is the design and construction of the New Safe Confinement (NSC) to enclose the destroyed unit.
- B. The **Nuclear Safety Account** (NSA) finances the Interim Storage Facility 2 (ISF2) in the Chernobyl exclusion zone. In the past NSA also funded the Liquid Radioactive Waste Treatment Plant (LRTP).

As is shown in Figure 2, the EU contributions to CFS and NSA have leveraged substantial contributions of EU MS, EBRD and other donors.

EU efforts encouraged co-financing by State Authorities in addressing social problems.

- 6.4. **Another example of leveraging co-financing** is the Social Project U6.01c/11 “Supply of medical equipment and consumables”, which was implemented in Ivankiv District. Initially the project faced a problem with installing the equipment due to absence of proper conditions in the hospital premises. To secure supply and installation of modern equipment, the local Authority allocated budget of 4.6 m UAH for the hospital renovation. This demonstrates that international efforts successfully motivated State Authorities to address social problems.

INSC leveraged funds through Global Partnership Programme.

- 6.5. The EU supports the objectives of the **G8 Global Partnership** which today includes G7, the EU and 17 other donors. In Ukraine in the recent period the Global Partnerships is contributing to the following INSC projects:

- U4.01/12F, Support in establishing a sustainable scheme for safe management of Disused Spent Radioactive Sources in Ukraine (EUR 0.4 m contribution by French Project under the Global Partnership Programme),
- U4.01/08A, Improved system to the safe management of disused highly active spent radioactive sources in Ukraine (EUR 2 m by UK Project),
- U4.01/10F, EC also supported the Global Partnership programme in establishing the mobile facility for the hot cell for Disused Spent Radioactive Sources.

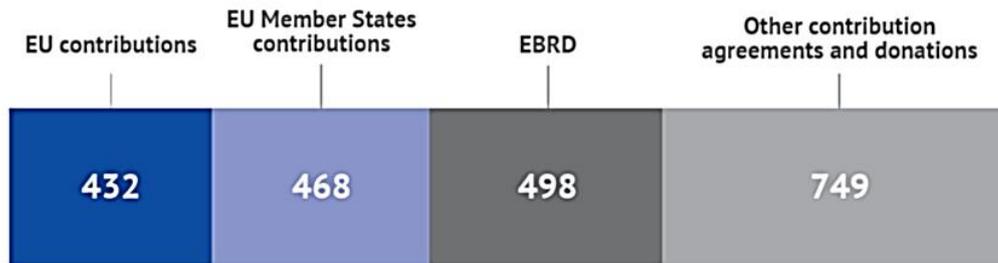
SAMEZ established a Working Group for coordination of international projects in RW sector with participation of MECI, SNRIU, SSTC, Energoatom, and the Border Control Service with a first meeting held Dec. 2016.

Figure 2: Major funds with contributions by EU, Member States, EBRD and other donors

EU contributions to the EBRD funds for projects related to the Chernobyl accident

A. Chernobyl Shelter Fund, in million EUR¹

¹ cumulative contribution agreements and donations to 30 September 2016



B. Nuclear Safety Account (NSA)², in million EUR³



² NSA contributions currently finance the Interim Storage Facility 2 (ISF2) in the Chernobyl exclusion zone. In the past NSA also funded the Liquid Radioactive Waste Treatment Plant (LRTP) in Chernobyl as well as 142 mil EUR programmes in Lithuania, Bulgaria and Russia.

³ cumulative contribution agreements and donations to 30 September 2016

► *"The European Union will continue to work with Ukraine, the EBRD, G7 countries and other international donors to ensure that the projects are brought to a successful conclusion"*

European Commission Statement, Brussels, 26 April 2016

Source: EU Delegation Ukraine⁹²

Conclusions on EQ 6:

C-6.1 Zaporozhe Training Centre project leveraged safety culture ownership and co-financing by Ukrainian side with an effective leverage ratio of a factor of 3. Additionally the Training Centre project promoted the establishment by Energoatom of the Academy for Nuclear Power Engineering Managers.

C-6.2 The EU contribution to the Chernobyl projects has leveraged a substantial financial commitment by other donors including individual EU Member States.

Recommendations on EQ 6:

R-6.1 The Ukrainian partners are advised to ensure fulfilment of their commitments on contributing to INSC projects and to allocate adequate financial resources for functioning and development of the RW management system.

⁹² EU is largest donor - Ukraine in nuclear safety since 1986 Chernobyl accident, EU Delegation Ukraine, 28 Nov. 2016.

Annex 7: ROM comparative analysis

The Evaluation Team gathered the 11 ROM reports issued during the period Jan. 2014 to early 2017. All projects belong to INSC-I. The projects' budgets range from 0.8 m EUR up to 3 m EUR except for one smaller project of 0.3 m EUR. The geographic coverage of the ROM'ed projects is Ukraine (5), China (4), Mexico (1) and Egypt (1). From Jan. 2017 onwards, the ROM reports do no longer include concise scores on principal criteria, hence the system does not support a comprehensive oversight on project relevance, performance, impact and sustainability.

Recommendations pertain mostly to streamlining the project implementation as shown by the following anonymous sample:

- Finalize the schedule for new tasks replacing workshops,
- Planning and reporting needs attention,
- Estimate remaining resources, allow 'Cloud' access to all participants,
- Consider additional activities to achieve objective not yet reached,
- Improve formulation of results and indicators in Logframe.

Generally, recommendations do not give attention to improving the impact or sustainability. The approach of the recent ROM reports is not much different from a set of 20 ROM reports of an earlier period.

The ROM contractor also issues an annual results reporting framework as a trial action in support of project managers. However, the results reporting is performed in a large Excel worksheet with much repetition and lacking oversight.

Annex 8: Evaluation matrix

INSC Strategy 2014-2020

| EQs | JCs | Indicators | Does the source provide evidence on the indicator? (yes or no) | Quality of the evidence (H-high, M-med, L-low, N - no evidence) | Paragraph # or page # | RELEVANT TEXT | |
|--|---|--|---|--|-----------------------|--|--|
| EQ 1. To what extent do the specific objectives (INSC Regulation, Article 2) and the design of the INSC respond to: (i) EU priorities and beneficiary needs identified at the time the instrument was adopted (end 2013)? (ii) Current EU priorities and beneficiary needs, given the evolving challenges and priorities in international context (up to mid-2017)? | JC 1.1 INSC-II specific objectives align with EU policy/priorities and take into account previous lessons. | I-1.1 Evidence the instrument has adequate mechanisms to ensure congruence with: - EU/Euratom policies and priorities (EC directives) | yes | M | p. 8 | The EU is in a uniquely neutral and impartial position to deliver on external action on behalf of and with Member States, giving enhanced credibility in the countries in which it works. With 28 Member States acting within common policies and strategies, the EU has the critical weight to respond to global challenges. The EU is a natural coordinator and has a network of international agreements which permits influencing international relations, including on nuclear safety. | |
| | | - Member States policies and priorities | yes | H | p. 2, p. 6 | The Strategy responds to the global challenges and the need for EU action in the field of nuclear safety, radiation protection and nuclear safeguards. The experience of the European Union and of its Member States will be mobilised taking into account, inter alia, the geographic priorities as defined in the Regulation. Full consideration will be given during the implementation of this Strategy to the commitments the EU made in the framework of various Association Agreements, Joint Declarations, Memoranda of Understanding or other Cooperation Agreements with third countries. The Strategy supports the INSC-21 of the IAEA 'Strengthening the Global Nuclear Safety Regime' and complements the IAEA Action Plan on Nuclear Safety adopted by the Agency in 2012 following the Fukushima accident. The EU has adopted common legal frameworks concerning nuclear safety and radioactive waste and spent fuel management. In this respect, the EU has set up an example and expects to persuade others to adopt similar high standards. | |
| | | - In how many action documents is there a reference to EU Acquis/EU directives? | yes | H | p. 7 | The European Commission will draw on the experience of competent authorities and organisations in the Member States in the fulfilment of its task, in order to make the best use of European expertise in the field of nuclear safety especially the European Nuclear Safety Regulators Group (ENSREG), the Western European Nuclear Regulators Association (WENRA), the Heads of the European Radiological Protection Competent Authorities (HERCA) and the Council Working Party on Atomic Questions. With a large number of commercial nuclear power plants (about 1/3 out of some 450 worldwide) and nuclear power providing for about 30% of the electricity generation, the EU has accumulated a long experience in the domain of nuclear safety, including in decommissioning of nuclear installations and radioactive waste management. As a result a wide expertise in all the domains of nuclear safety is available in EU Member States. The diversity of technologies, which requires different approaches, allows for the necessary flexibility in addressing the needs of third countries. | |
| | | - If not: would it have been appropriate/possible? | N/A | N | | | |
| | | I-1.2 Evidence that the instrument has adequate mechanisms to ensure compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. - In how many action documents (% of selected sample) is there a clear indication of compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | Yes | M | | | See above. |
| | | I-1.3 Evidence that INSC-II includes lessons from INSC-I and its revised Strategy: - Major recommendations/ lessons incorporated in INSC-II. - Recommendations by the Court of Auditors and others addressed by the Instrument. | Yes | M | | | See above. |
| | | | N/A | N | | | |
| | | JC 1.2 INSC-II is informed on partners' needs in 2013. | Yes | L | p. 7, p. 2 | The European Community's cooperation will be based on a common understanding and a reciprocal agreement between the third country and the EU involving a formal commitment of the authorities of the third country. Third countries wishing to cooperate with the European Union should be parties to the relevant nuclear safety conventions, in particular the Nuclear Safety Convention and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste, or have taken steps demonstrating a firm undertaking to accede to such conventions. When programming its cooperation, the EU pays particular attention to the structural as well as economic capacity of the countries concerned. Full consideration will be given during the implementation of this Strategy to the commitments the EU made in the framework of various Association Agreements, Joint Declarations, Memoranda of Understanding or other Cooperation Agreements with third countries. | |
| | | JC 1.3 INSC-II adequately responds to evolving challenges | I-1.2.2 Evidence of consultation process to build Annual Action Programmes (AAPs). How many of the action documents are based on a request by partners? I-1.3.1 Evidence of inbuilt mechanisms to adjust to challenges I-1.3.2 Evidence of significant changes in INSC-II due to major external events (e.g. EU stress test results, 'Iran deal'). How many of the AD reflect issues unknown in 2013 | N/A | M | | |
| | | | N/A | N | | | |
| | | | N/A | N | | | |
| | | EQ 2. To what extent does the INSC deliver results against the instrument's objectives and specific EU priorities? | JC 2.1 INSC-II governance mechanisms and DEVCO business processes are conducive to sustaining results/ impact. | I-2.1 Evidence that the instrument mechanisms and governance take into account results-based management and aid effectiveness principles. I-2.1.2 Evidence of mechanisms in place to support interventions' sustainability and impact. How many AD include reference to sustainable results such as knowledge transfer or capacity building? | yes | M | p. 3 |
| I-2.1.3 Evidence of regulations, procedures and clear guidelines to support cross-cutting priorities (CIR). - How many of the AD have been submitted for review to support cross cutting priorities? - How many of the AD clearly support cross cutting issues? | N/A | | | N | | | |
| I-2.2 Evidence of INSC programmes contributing to specific objectives 1, 2 and 3. I-2.2.2 Evidence of INSC contribution to EU cross-cutting priorities (e.g. gender mainstreaming, good governance, human rights and environmental protection). How many of the Action Documents include KPIs for cross cutting priorities (with subindicator per priority) | N/A | | | N | | | |
| I-2.3.1 Feedback and lesson-learning mechanism in place. | N/A | | | N | | | |
| JC 2.2 INSC analyses whether results matching objectives | I-2.2.1 Evidence of INSC programmes contributing to specific objectives 1, 2 and 3. I-2.2.2 Evidence of INSC contribution to EU cross-cutting priorities (e.g. gender mainstreaming, good governance, human rights and environmental protection). How many of the Action Documents include KPIs for cross cutting priorities (with subindicator per priority) | | | N/A | N | | |
| JC 2.3 INSC-II incorporates lessons from INSC-I to improve mechanisms for effective delivery of results | I-2.3.1 Feedback and lesson-learning mechanism in place. | | | N/A | N | | |
| | N/A | | | N | | | |
| | N/A | | | N | | | |
| | N/A | | | N | | | |
| | N/A | | | N | | | |
| | N/A | | | N | | | |
| EQ 3. To what extent is the INSC delivering efficiently? | JC 3.1 INSC resources and management systems support efficient implementation. JC 3.2 The instrument improved its mechanisms to support implementation performances from INSC-I to INSC-II JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, biodiversity mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility | | | I-3.1.1 Evidence that the instrument allocates adequate human and financial resources and capacities (management, technical, administrative) at different levels to support implementation. I-3.1.2 Evidence that the centralized management system is adequate to support efficiently the implementation. I-3.1.3 Evidence of adequate monitoring and indicators to measure interventions' performance (e.g. EU contributions to Chernobyl Funds managed by EBRD and IAEA actions). | N/A | N | |
| | | I-3.2.1 Evidence of improved mechanisms, regulations, procedures and other adjustments to support the instrument performances. I-3.2.2 Evidence of decreased periods in contracting and implementation. Time between programming and contracting. % of Ap successfully programmed/ failed. | N/A | N | | | See across the table |
| | | I-3.3.1 Evidence that INSC regulations take into account the following parameters (1) Flexibility/Speed of Delivery in contract award procedures, (2) Promoting Ownership, (3) Promoting Climate and Biodiversity Mainstreaming, (4) Promoting Human Rights and Fundamental Freedoms, (5) Promoting Effective and Efficient Implementation Methods, and (6) Promoting Visibility. How many Action documents take into account the above parameters? How many Action documents have been updated after OSG input? | N/A | N | | | |
| | | I-3.3.2 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. - How many AD have been updated after input by OSG? - How many Partner Countries view CIR implementation overall positively or negatively? | N/A | N | | | |
| | | JC 4.1 INSC adds value compared to interventions by Member States or other key donors? | I-4.1.1 Extent to which INSC adds value in terms of size of engagement. - How many Action documents were criticised because the activity should have been carried out by member states? - How many Action documents were criticised because the activity was unnecessarily repeating activities by other donors? I-4.1.2 Extent to which INSC adds value in terms of expertise. I-4.1.3 Extent to which INSC adds value in terms of advocacy. | N/A | N | | |
| | | | N/A | N | | | See JC-2.1 |
| | | | N/A | N | | | |
| | | | N/A | N | | | |
| | | | N/A | N | | | |
| | | | N/A | N | | | |
| | | | N/A | N | | | |
| | | | N/A | N | | | |
| EQ 5. To what extent does INSC facilitate coherence, consistency, complementarity and synergies (CCCS) both internally between its own set of objectives and programmes and vis-à-vis other EFIs (see also INSC Regulation, Article 4)? | JC 5.1 The INSC set up and processes are conducive to promote CCCS JC 5.2 INSC is adequately set to ensure CCCS with other EFIs | I-5.1 Evidence that the centralized management system, with its resources and interactions, is adequate to ensure effective CCCS, including vis-à-vis DPs - How many of the Action Documents have been submitted to a procedure to ensure ensure CCCS? - How many of the comments related to CC&S have been taken into account in the final versions of the action documents. | Yes | L | p. 6 | Support to partner countries in the areas covered by the INSC is also provided by international organisations, individual Member States and other donors, the G8 members in particular. The European Commission will continue coordinating its activities through established channels and bilateral contacts to ensure that funding is well targeted and does not duplicate and/or overlap with that provided by other donors and organisations. Coordination with the IAEA and its Regulatory Cooperation Forum (RCF) is particularly important; further coordination takes place within the G8 Nuclear Safety and Security Group (NSSG), the Global Partnership Programme, with other relevant international organisations and partners as well as in the context of international donor funds. | |
| | | I-5.1.2 Country strategies, AAP and project design procedures include provisions to allow a sound CCCS, including vis-à-vis DPs I-5.1.3 Extent to which recommendations from M&E for improving CCCS are incorporated in the instrument I-5.1.4 Evidence that EU is assuming a leading role in Partner Countries in nuclear safety coordination, strengthening CCCS. I-5.2.1 Evidence of mechanisms established to promote CCCS with other EFIs. | N/A | N | | | |
| | | I-5.2.2 Evidence of complementarities with interventions of other EFIs | Yes | M | p. 6 | The present strategy supports the INSC-21 of the IAEA 'Strengthening the Global Nuclear Safety Regime' and complements the IAEA Action Plan on Nuclear Safety adopted by the Agency in 2012 following the Fukushima accident. The EU is a natural coordinator and has a network of international agreements which permits influencing international relations, including on nuclear safety. Synergies will be sought between the implementation of the INSC and the Instrument contributing to Stability and Peace (ICSP4), in particular on cooperation addressing global and trans-regional and emerging threats. As experience has shown, there are important gains in impact if cooperation under the three pillars – safety, security and safeguards – is implemented in a coherent way for both instruments. At the regional level, coordination between both instruments should take into account the input of the established CSRN Centres of Excellence network. The implementation of the above measures will include cooperation with relevant international organisations, notably the IAEA, to optimize the use of the available resources and avoid duplication of efforts. Collaboration with the IAEA has, inter alia, the objective of further developing nuclear safety culture and the required expertise at the global level and to support adherence to international Conventions and Treaties. This cooperation may take the form of grants, co-financing or joint projects and will cover several of the programme components referred to above. Regional cooperation will be encouraged where possible and appropriate, making use of existing networks as e.g. the FORO, AFCONE and ASEANTOM. | |
| | | | Yes | L | | | |
| | | JC 6.1 INSC has leveraged political and policy engagement | I-6.1.1 Extent to which INSC-II procedures, processes, institutional set up and management leverage effective political and policy engagement. How many of the action documents refer to initiatives which are not managed by DEVCO (possible sub indicators: Member states activities, other institutions, DP, PC)? I-6.1.2 Evidence that INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety. | Yes | M | | See above |
| | | | N/A | N | | | |
| | | JC 6.2 INSC has leveraged additional funds to support Nuclear Safety | I-6.2.1 Evidence that INSC-II regulations, procedures, best practices and alliances are well equipped to promote leveraging of additional funds (co-financing, PC contributions, blending) I-6.2.2 Evidence that INSC is leveraging additional investments (co-financing, PC contributions, blending) from PCs and DPs. How many of the AD indicate financing from other sources (possible sub indicators: co-financing, blending, ...) | Yes | L | | The possibility granted by the regulation of co-funding projects with Member States, and/or regional/multi-national entities will be explored. |
| | | | Yes | L | p. 7 | | |
| | | | Yes | L | | | |
| | | | Yes | L | | | |
| | | | Yes | L | | | |

INSC- II Regulation

| EQs | JCs | Indicators | Does the source provide evidence on the indicator? (yes or no) | Quality of the evidence (H= high, M= med., L= low, N= no evidence) | Paragraph or page # | RELEVANT TEXT | |
|--|---|---|---|---|---------------------|--|--|
| EQ 1. To what extent do the specific objectives (INSC Regulation, Article 2) and the design of the INSC respond to: (i) EU priorities and beneficiary needs identified at the time the instrument was adopted (end 2013)? (ii) Current EU priorities and beneficiary needs, given the evolving challenges and priorities in international context (up to mid-2017)? | JC 1.1 INSC-II specific objectives align with EU policy/priorities and take into account previous lessons. | H-1.1.1 Evidence the instrument has adequate mechanisms to ensure congruence with: - EU Euratom policies and priorities (EC directives) | yes | M | p. 8 | The EU is in a uniquely neutral and impartial position to deliver on external action on behalf of and with Member States, giving enhanced credibility in the countries in which it works. With 28 Member States acting within common policies and strategies, the EU has the critical weight to respond to global challenges. The EU is a natural coordinator and has a network of international agreements which permits influencing international relations, including on nuclear safety. | |
| | | - Member States policies and priorities | yes | H | p. 2, p. 6 | The Strategy responds to the global challenges and the need for EU action in the field of nuclear safety, radiation protection and nuclear safeguards. The experience of the European Union and of its Member States will be mobilised taking into account, inter alia, the geographic priorities as defined in the Regulation. Full consideration will be given during the implementation of this Strategy to the commitments the EU made in the framework of various Association Agreements, Joint Declarations, Memoranda of Understanding or other Cooperation Agreements with third countries. The present strategy supports the INSAG-21 of the IAEA 'Strengthening the Global Nuclear Safety Regime' and complements the IAEA Action Plan on Nuclear Safety adopted by the Agency in 2012 following the Fukushima accident. The EU has adopted common legal frameworks concerning nuclear safety and radioactive waste and spent fuel management. In this respect, the EU has set up an example and expects to persuade others to adopt similar high standards. | |
| | | - In how many action documents is there a reference to EU Acquis/EU directives? | yes | H | p. 7 | The European Commission will draw on the experience of competent authorities and organisations in the Member States in the fulfilment of its task, in order to make the best use of European expertise in the field of nuclear safety especially the European Nuclear Safety Regulators Group (ENSREG), the Western European Nuclear Regulators Association (WENRA), the Heads of the European Radiological Protection Competent Authorities (HERCA) and the Council Working Party on Atomic Questions. With a large number of commercial nuclear power plants (about 1/3 out of some 450 worldwide) and nuclear power providing for about 30% of the electricity generation, the EU has accumulated a long experience in the domain of nuclear safety, including in decommissioning of nuclear installations and radioactive waste management. As a result a wide expertise in all the domains of nuclear safety is available in EU Member States. The diversity of technologies, which requires different approaches, allows for the necessary flexibility in addressing the needs of third countries. | |
| | | - If not: would it have been appropriate/possible? | N/A | N | | | |
| | | H-1.1.2 Evidence that the instrument has adequate mechanisms to ensure compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. - In how many action documents (% of selected sample) is there a clear indication of compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | N/A | N | | See above. | |
| | | H-1.1.3 Evidence that INSC-II includes lessons from INSC-I and its revised Strategy: - Major recommendations/ lessons incorporated in INSC-II. - Recommendations by the Court of Auditors and others addressed by the Instrument. | Yes | M | p. 8 | Past experience showed that the INSC implementation had been well targeted and the projects well-conceived, the projects contributed significantly to enhance nuclear safety and nuclear safety culture. The INSC projects with focus on exchange of know-how and practices were found to be particularly appreciated by partners in target countries. It is expected that this will continue to be the case in future. A more coordinated and integrated approach between the EU and its Member States through joint programming will bring about more added value, increased strength and legitimacy, and more impact and effectiveness. | |
| | JC 1.2 INSC-II is informed on partners' needs in 2013. | H-1.2.1 Evidence that INSC mechanisms and procedures take into account partners' needs | Yes | L | p. 7, p. 2 | The European Community's cooperation will be based on a common understanding and a reciprocal agreement between the third country and the EU involving a formal commitment of the authorities of the third country. Third countries wishing to cooperate with the European Union should be parties to the relevant nuclear safety conventions, in particular the Nuclear Safety Convention and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste, or have taken steps demonstrating a firm undertaking to accede to such conventions. When programming its cooperation, the EU pays particular attention to the structural as well as economic capacity of the countries concerned. Full consideration will be given during the implementation of this Strategy to the commitments the EU made in the framework of various Association Agreements, Joint Declarations, Memoranda of Understanding or other Cooperation Agreements with third countries. | |
| | | H-1.2.2 Evidence of consultation process to build Annual Action Programmes (AAPs). How many of the action documents are based on a request by partners? | N/A | N | | | |
| | | JC 1.3 INSC-II adequately responds to evolving challenges | H-1.3.1 Evidence of inbuilt mechanisms to adjust to challenges H-1.3.2 Evidence of significant changes in INSC-II due to major external events (e.g. EU stress test results, 'Iran deal'). How many of the AD reflect issues unknown in 2013 | N/A | M | p. 7 | The possibility to react to unforeseen needs is envisaged within the current INSC regulation and may be made available, if needed, in case of an accident. |
| | EQ 2. To what extent does the INSC deliver results against the instrument's objectives and specific EU priorities? | JC 2.1 INSC-II governance mechanisms and DEVCO business processes are conducive to sustaining results/ impact. | H-2.1.1 Evidence that the instrument mechanisms and governance take into account results-based management and aid effectiveness principles. | yes | M | p. 3 | The Instrument for Nuclear Safety Cooperation (2014-2020) will continue to promote the highest nuclear safety levels worldwide. The main focus of the activities will be the promotion, the adoption and implementation of the relevant EU best practices in third countries towards that objective. |
| | | | H-2.1.2 Evidence of mechanisms in place to support interventions' sustainability and impact. How many AD include reference to sustainable results such as knowledge transfer or capacity building? | Yes | M | | See below. ALSO: A more coordinated and integrated approach between the EU and its Member States through joint programming will bring about more added value, increased strength and legitimacy, and more impact and effectiveness. Promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards Regulatory authorities are essential to ensure nuclear safety through their licensing and control activities. The objective is to ensure their technical competence and independence and the reinforcement of the regulatory framework, notably for licensing activities. Measures to improve protection against ionising radiations, the prevention of nuclear accidents and emergency preparedness and response, particularly at a regional level, will be supported. In doing so, the lessons learnt after the Fukushima-Daiichi nuclear accident will be taken into account. This objective shall be implemented through the following measures: - Support to nuclear regulatory authorities, technical support organisations and reinforcement of the regulatory framework, notably on Periodic Safety Reviews and other assessments, as well as the subsequent implementation measures; this could include assistance to regulatory bodies in performing stress tests 3 and their follow-up; - Promotion of effective regulatory frameworks, procedures and systems to ensure adequate protection against ionising radiations from radioactive materials, in particular from high activity radioactive sources, and their safe disposal; - Training of Nuclear Regulators and Technical Support Organisations; training is an integral part of the nuclear safety support and cooperation projects of the EU; this activity will be continued through the 'Training and Tutoring project' which offers the regulatory authorities in partner countries an opportunity to train staff in the European Union; - Education initiatives in nuclear safety will be considered in third countries at the regional level; - Establishment of effective arrangements for the prevention of accidents with radiological consequences, including accidental exposure, as well as the mitigation of such consequences should they occur (for example, monitoring the environment in case of radioactive releases, design and implementation of mitigation and remediation activities and cooperation with national and international organisations in the case of accidental exposure), and for emergency-planning, preparedness and response, civil protection and rehabilitation measures, keeping in mind that prevention should have priority over mitigation; - Support for ensuring safety of nuclear installations and sites regarding practical protective measures designed to reduce existing radiation risks to the health of workers and of the general public. Safety of radioactive waste and spent nuclear fuel management, including environmental remediation of former nuclear mining sites This objective shall be implemented through measures comprising development and implementation of strategies and frameworks for: - the responsible and safe management of spent nuclear fuel and radioactive waste, including orphan sources; - decommissioning of nuclear installations, which are not covered by commercial obligations (e.g. research reactors); - environmental remediation of former nuclear mining sites; this includes the necessary environmental impact assessments and feasibility studies and corresponding remediation works at prioritised sites. Safeguards The following activities will be supported under this component: - Establishment of the necessary regulatory framework and the development of methodologies for the implementation of nuclear safeguards, including for the proper accounting and control of fissile materials at state and operators' level; - Support for the infrastructure and training of staff; - Education initiatives in nuclear safeguards will be considered in third countries at a regional level. |
| | | | H-2.1.3 Evidence of regulations, procedures and clear guidelines to support cross-cutting priorities (CIR). - How many of the AD have been submitted for review to support cross cutting priorities? - How many of the AD clearly support cross cutting issues? | N/A | N | | not explicitly not explicitly |
| JC 2.2 INSC analyses whether results matching objectives | | | H-2.2.1 Evidence of INSC programmes contributing to specific objectives 1, 2 and 3. H-2.2.2 Evidence of INSC contribution to EU cross-cutting priorities (e.g. gender mainstreaming, good governance, human rights and environmental protection). How many of the Action Documents include KPIs for cross cutting priorities (with subindicator per priority) | N/A | N | | not mentioned explicitly not mentioned explicitly |
| JC 2.3 INSC-II incorporates lessons from INSC-I to improve mechanisms for effective delivery of results | | | H-2.3.1 Feedback and lesson-learning mechanism in place. | N/A | N | | |
| EQ 3. To what extent is the INSC delivering efficiently? | | | JC 3.1 INSC resources and management systems support efficient implementation. | H-3.1.1 Evidence that the instrument allocates adequate human and financial resources and capacities (management, technical, administrative) at different levels to support implementation. | N/A | N | |
| | | H-3.1.2 Evidence that the centralized management system is adequate to support efficiently the implementation. | | N/A | N | | |
| | | H-3.1.3 Evidence of adequate monitoring and indicators to measure interventions' performance (e.g. EU contributions to Chernobyl Funds managed by EBRD and IAEA actions). | | N/A | N | | |
| | | JC 3.2 The instrument improved its mechanisms to support implementation performances from INSC-I to INSC-II | H-3.2.1 Evidence of improved mechanisms, regulations, procedures and other adjustments to support the instrument performances. | N/A | N | | See across the table |
| | | | H-3.2.2 Evidence of decreased periods in contracting and implementation. Time between programming and contracting. | N/A | N | | |
| | | | H-3.2.3 Evidence of improved mechanisms, regulations, procedures and other adjustments to support the instrument performances. % of Ap successfully programmed/ failed. | N/A | N | | |
| JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, biodiversity mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility | | H-3.3.1 Evidence that INSC regulations take into account the following parameters: (1) Flexibility/Speed of Delivery in contract award procedures, (2) Promoting Ownership, (3) Promoting Climate and Biodiversity Mainstreaming, (4) Promoting Human Rights and Fundamental Freedoms, (5) Promoting Effective and Efficient Implementation Methods, and (6) Promoting Visibility. How many Action documents take into account the above parameters? How many Action documents have been updated after QSG input? | N/A | N | | | |
| | H-3.3.2 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. - How many AD have been updated after input by QSG? - How many Partner Countries view CIR implementation overall positively or negatively? | N/A | N | | | | |
| | H-3.3.3 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. | N/A | N | | | | |
| | H-3.3.4 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. | N/A | N | | | | |
| | H-3.3.5 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. | N/A | N | | | | |
| | H-3.3.6 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. | N/A | N | | | | |
| EQ 4. To what extent does the INSC programmes add value compared to interventions by Member States or other key donors? | JC 4.1 INSC adds value compared to interventions by Member States or other key donors. | H-4.1.1 Extent to which INSC adds value in terms of size of engagement. - How many Action documents were criticised because the activity should have been carried out by member states? - How many Action documents were criticised because the activity was unnecessarily repeating activities by other donors? | N/A | N | | | |
| | | H-4.1.2 Extent to which INSC adds value in terms of expertise. | N/A | N | | See JC-2.1 | |
| | JC 4.2 INSC adds value in terms of advocacy. | H-4.2.1 Extent to which INSC adds value in terms of advocacy. | N/A | N | | | |
| | | H-4.2.2 Evidence that the centralized management system, with its resources and interactions, is adequate to ensure effective CCC&S, including vs-à-vis DPs | Yes | L | p. 6 | Support to partner countries in the areas covered by the INSC is also provided by international organisations, individual Member States and other donors, the G8 members in particular. The European Commission will continue coordinating its activities through established channels and bilateral contacts to ensure that funding is well targeted and does not duplicate and/or overlap with that provided by other donors and organisations. Coordination with the IAEA and its Regulatory Cooperation Forum (RCF) is particularly important; further coordination takes place within the G8 Nuclear Safety and Security Group (NSSG), the Global Partnership Programme, with other relevant international organisations and partners as well as in the context of international donor funds. | |
| EQ 5. To what extent does INSC facilitate coherence, consistency, complementarity and synergies (CCC&S) both internally between its own set of objectives and programmes and vs-à-vis other EFIs (see also INSC Regulation, Article 4)? | JC 5.1 The INSC set up and processes are conducive to promote CCC&S | H-5.1.1 Evidence that the centralized management system, with its resources and interactions, is adequate to ensure effective CCC&S, including vs-à-vis DPs - How many of the Action Documents have been submitted to a procedure to ensure ensure CCC&S? - How many of the comments related to CCC&S have been taken into account in the final versions of the action documents. | N/A | N | | | |
| | | H-5.1.2 Country strategies, AAP and project design procedures include provisions to allow a sound CCC&S, including vs-à-vis DPs | N/A | N | | | |
| | | H-5.1.3 Extent to which recommendations from M&E for improving CCC&S are incorporated in the instrument | N/A | N | | | |
| | JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs. | H-5.1.4 Evidence that EU is assuming a leading role in Partner Countries in nuclear safety coordination, strengthening CCC&S. | Yes | M | | The present strategy supports the INSAG-21 of the IAEA 'Strengthening the Global Nuclear Safety Regime' and complements the IAEA Action Plan on Nuclear Safety adopted by the Agency in 2012 following the Fukushima accident. The EU is a natural coordinator and has a network of international agreements which permits influencing international relations, including on nuclear safety. | |
| | | H-5.1.5 Evidence of mechanisms established to promote CCC&S with other EFIs. | Yes | M | p. 6 | Synergies will be sought between the implementation of the INSC and the Instrument contributing to Stability and Peace (ICSP)4, in particular on cooperation addressing global and trans-regional and emerging threats. As experience has shown, there are important gains in impact if cooperation under the three pillars – safety, security and safeguards – is implemented in a coherent way for both instruments. At the regional level, coordination between both instruments should take into account the input of the established CBRN Centres of Excellence network. | |
| | | H-5.2.2 Evidence of complementarities with interventions of other EFIs | Yes | L | | The implementation of the above measures will include cooperation with relevant international organisations, notably the IAEA, to optimize the use of the available resources and avoid duplication of efforts. Collaboration with the IAEA has, inter alia, the objective of further developing nuclear safety culture and the required expertise at the global level and to support adherence to international Conventions and Treaties. This cooperation may take the form of grants, co-financing or joint projects and will cover several of the programme components referred to above. Regional cooperation will be encouraged where possible and appropriate, making use of existing networks as e.g. the FORO, AFCONE and ASEANTOM. | |
| EQ 6. To what extent has the INSC leveraged further funds and/or political or policy engagement | JC 6.1 INSC has leveraged political and policy engagement | H-6.1.1 Extent to which INSC-II procedures, processes, institutional set up and management leverage effective political and policy engagement. How many of the action documents refer to initiatives which are not managed by DEVCO (possible sub indicators: Member states activities, other institutions, DP, PC)? | Yes | M | | See above | |
| | | H-6.1.2 Evidence that INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety. | Yes | M | | See above | |
| | JC 6.2 INSC has leveraged additional funds to support Nuclear Safety | H-6.2.1 Evidence that INSC-II regulations, procedures, best practices and alliances are well equipped to promote leveraging of additional funds (co-financing, PC contributions, blending) | Yes | L | | The possibility granted by the regulation of co-funding projects with Member States, and/or regional/multi-national entities will be explored. | |
| | | H-6.2.2 Evidence that INSC is leveraging additional investments (co-financing, PC contributions, blending) from PCs and DPs. How many of the AD indicate financing from other sources (possible sub indicators: co-financing, blending...) | Yes | L | p. 7 | | |

| EQs | JCs | Indicators | Does the source provide evidence on the indicator? (yes or no) | Quality of the evidence (high, med, low) | Paragraph or page # | RELEVANT TEXT | | | | |
|--|--|--|---|--|---|---|---|---|--|-------------|
| EQ 1. To what extent do the specific objectives (INSC Regulation, Article 2) and the design of the INSC respond to: (i) EU priorities and beneficiary needs identified at the time the instrument was adopted (end 2013)? (ii) Current EU priorities and beneficiary needs, given the evolving challenges and priorities in international context (up to mid-2017)? | JC 1.1 INSC-II specific objectives align with EU policy/priorities and take into account previous lessons. | I-1.1.1 Evidence the instrument has adequate mechanisms to ensure congruence with: - EU Euratom policies and priorities (EC directives) - Member States policies and priorities | Y | H | | Council Regulation (Euratom) No. 237/2014 establishing a new Instrument for Nuclear Safety Cooperation. The Multi-annual Indicative Programme is based on the priorities defined in the Strategy for the period 2014-2020.4 Cooperation under the Instrument will be implemented through concrete programmes agreed between the European Commission and the partner countries (and in some cases with international organisations) in accordance with Title III (Implementation) of the INSC Regulation. (p. 9) Cooperation with high-income countries is intended to facilitate relations between their respective stakeholders competent in nuclear safety and radiation protection. Such relations shall exclude any INSC funding to high income countries. However special measures may be undertaken, for example following a major nuclear accident, if necessary and appropriate. | | | | |
| | | - In how many action documents is there a reference to EU Acquis/ EU directives? | Y | H | | See above. | | | | |
| | | If not: would it have been appropriate/ possible? | N/A | N | | | | | | |
| | | I-1.1.2 Evidence that the instrument has adequate mechanisms to ensure compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. - In how many action documents (% of selected sample) is there a clear indication of compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | Y | M | p. 3 | The Multi-annual Indicative Programme is based on the priorities defined in the Strategy for the period 2014-2020.4 Cooperation under the Instrument will be implemented through concrete programmes agreed between the European Commission and the partner countries (and in some cases with international organisations) in accordance with Title III (Implementation) of the INSC Regulation. See above. | | | | |
| | | I-1.1.3 Evidence that INSC-II includes lessons from INSC-I and its revised Strategy: - Major recommendations/ lessons incorporated in INSC-II. | Y | M | p. 6 | Effective safeguards systems and effective control of nuclear materials are key issues for nuclear activities and non-proliferation. Actions in this field will continue and expand, as appropriate, to meet the concrete needs of partner countries during the programming period. Projects in this area will aim at strengthening and enhancing nuclear material accountability and control in relevant nuclear fuel cycle facilities. The objective of the cooperation will be the improvement of the | | | | |
| | | - Recommendations by the Court of Auditors and others addressed by the Instrument. | N/A | N | | | | | | |
| | | JC 1.2 INSC-II is informed on partners' needs in 2013. | I-1.2.1 Evidence that INSC mechanisms and procedures take into account partners' needs I-1.2.2 Evidence of consultation process to build Annual Action Programmes (AAPs). How many of the action documents are based on a request by partners? | N/A | N | | | | | |
| | | JC 1.3 INSC-II adequately responds to evolving challenges | I-1.3.1 Evidence of inbuilt mechanisms to adjust to challenges. I-1.3.2 Evidence of significant changes in INSC-II due to major external events (e.g. EU stress test results, 'Iran deal'). How many of the AD reflect issues unknown in 2013 | N/A | N | | | | | |
| | | EQ 2. To what extent does the INSC deliver results against the instrument's objectives and specific EU priorities? | JC 2.1 INSC-II governance, mechanisms and DEVCO business processes are conducive to sustaining results/ impact. | I-2.1.1 Evidence that the instrument mechanisms and governance take into account results-based management and aid effectiveness principles. | N/A | N | | | | |
| | | | | I-2.1.2 Evidence of mechanisms in place to support interventions' sustainability and impact. | N/A | N | | | | |
| How many AD include reference to sustainable results such as knowledge transfer or capacity building? | Y | | | H | p. 3 | The present programme will continue transferring the EU regulatory methodologies and providing institutional support, including training and education. Efforts to promote the EU integrated approach towards nuclear safety and set up regional cooperation in this area will be supported. Co-operation programmes will be developed, in particular, with the following aims: Cooperation with the regulatory bodies in actual licensing and supervision processes (related to nuclear facilities and/or radiological practices) and in the process of establishing regulations or guides (by the regulator); this may involve long-term presence of European experts in the partner countries in order to facilitate the transfer of knowledge and practices to local regulatory authorities and their TSOs; Support to regulatory authorities on periodic safety reviews and other assessments and the subsequent implementation of recommendations; as an example, measures in this respect could include assistance to regulatory bodies and their TSOs in performing stress tests ⁶ and follow up measures, according to the criteria and specifications defined for the exercise carried out in EU Member States, following the Fukushima-Daiichi accident; Training services, including participation in inspection activities and emergency exercises, in particular through the 'Training and Tutoring project', which offers to the regulatory authorities of the partner countries an opportunity to train its staff in the European Union. Support to regional nuclear safety education programmes; The main focus of cooperation will be the regulators dealing with nuclear safety and, exceptionally, support to the IAEA activities in these fields when they are complementary to relevant EU initiatives. Cooperation with operators of nuclear installations in third countries will be considered in specific situations in the framework of follow-up measures of the 'stress tests'. Such cooperation with nuclear installations operators will exclude the supply of equipment. The type of actions will be adapted to the needs of the beneficiary country, and may include twinning, training on site or abroad. Safeguards - Cooperation is expected to reinforce the training of authorities and intensify the transfer of modern equipment and methodologies. The regulatory body in charge of this area is also often involved in non-proliferation activities. Enhanced safeguards and improved nuclear material accountability and control of nuclear materials will contribute to the improvement of security. This is in line with the current EU and global initiatives in this field, in particular those under the EU Instrument contributing to Stability and Peace as well as those under the umbrella of the IAEA. | | | | |
| I-2.1.3 Evidence of regulations, procedures and clear guidelines to support cross-cutting priorities (CIR). - How many of the AD have been submitted for review to support cross cutting priorities? - How many of the AD clearly support cross cutting issues? | N/A | | | N | | | | | | |
| JC 2.2 INSC analyses whether results matching objectives | I-2.2.1 Evidence of INSC programmes contributing to specific objectives 1, 2 and 3. I-2.2.2 Evidence of INSC contribution to EU cross-cutting priorities (e.g. gender mainstreaming, good governance, human rights and environmental protection). How many of the Action Documents include KPIs for cross cutting priorities (with subindicator per priority) | | | N/A | N | | document provides overall objectives of INSC. except for environment - see above. | | | |
| JC 2.3 INSC-II incorporates lessons from INSC-I to improve mechanisms for effective delivery of results | I-2.3.1 Feedback and lesson-learning mechanism in place. | | | N/A | N | | | | | |
| EQ 3. To what extent is the INSC delivering efficiently? | JC 3.1 INSC resources and management systems support efficient implementation. | | | I-3.1.1 Evidence that the instrument allocates adequate human and financial resources and capacities (management, technical, administrative) at different levels to support implementation. | Y | M | p. 8 | Support measures for the programme will be provided under a part of the budget for INSC expenditure on administrative management. The support will be provided mainly by the Joint Research Centre (JRC) and ENSREG Working Group 4, which participated in technical missions and assisted the preparation of the Strategy and the Multi-annual Indicative Programme. The JRC's support mainly covers the preparation of terms of reference, assistance in the evaluation of technical offers, advice during project implementation and the assessment of project results. Other technical support activities (including the preparation of Euratom loans) will also be considered based on the actual needs of the INSC programme during the period 2014- 2017. (p. 8) It is foreseen that some 5% of the funds available under this Programme will be earmarked for support measures throughout its four year duration. | | |
| | | | | I-3.1.2 Evidence that the centralized management system is adequate to support efficiently the implementation. | Y | L | | See I-3.1.1 above. No other mention. | | |
| | | | | I-3.1.3 Evidence of adequate monitoring and indicators to measure interventions' performance (e.g. EU contributions to Chernobyl Funds managed by EBRD and IAEA actions). | Y | L | p. 11 | During the period 2014-2017 the Programme will be evaluated through three series of indicators as follows: Programme impact indicators are intended to measure the effect, benefit or practical application of the INSC project results in the partner countries for each of the specific objectives of the INSC programme; Programme implementation indicators are intended to measure efficiency of the programme implementation from the administrative and technical point of view. They should indicate the overall level of success in programme management and implementation; Project-specific indicators measure the impact and benefits delivered at the level of specific actions (projects) and therefore depend on the technical scope of the individual projects of the programme. (p. 15) PROJECT-SPECIFIC INDICATORS | | |
| | | | | JC 3.2 The instrument improved its mechanisms to support implementation performances from INSC-I to INSC-II | I-3.2.1 Evidence of improved mechanisms, regulations, procedures and other adjustments to support the instrument performances. I-3.2.2 Evidence of decreased periods in contracting and implementation. Time between programming and contracting. % of AD successfully programmed/ failed. | N/A | N | | | |
| | | JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, biodiversity mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility | I-3.3.1 Evidence that INSC regulations take into account the following parameters (1) Flexibility/Speed of Delivery in contract award procedures, (2) Promoting Ownership, (3) Promoting Climate and Biodiversity Mainstreaming, (4) Promoting Human Rights and Fundamental Freedoms, (5) Promoting Effective and Efficient Implementation Methods, and (6) Promoting Visibility. How many Action documents take into account the above parameters? How many Action documents have been updated after QSG input? I-3.3.2 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. - How many AD have been updated after input by QSG? - How many Partner Countries view CIR implementation overall positively or negatively? | N/A | N | | | | | |
| | | EQ 4. To what extent do the INSC programmes add value compared to interventions by Member States or other key donors? | JC 4.1 INSC adds value compared to interventions by Member States or other key donors. | I-4.1.1 Extent to which INSC adds value in terms of size of engagement. - How many Action documents were criticised because the activity should have been carried out by member states? - How many Action documents were criticised because the activity was unnecessarily repeating activities by other donors? | N/A | N | | | | |
| | | | | I-4.1.2 Extent to which INSC adds value in terms of expertise. | Y | L | | See JC - 2 (row 20) | | |
| | | | | I-4.1.3 Extent to which INSC adds value in terms of advocacy. | N/A | N | | | | |
| | | | | EQ 5. To what extent does INSC facilitate coherence, consistency, complementarity and synergies (CCC&S) both internally between its own set of objectives and programmes and vis-à-vis other EFIs (see also INSC Regulation, Article 4)? | JC 5.1 The INSC set up and processes are conducive to promote CCC&S | I-5.1.1 Evidence that the centralized management system, with its resources and interactions, is adequate to ensure effective CCC&S, including vis-à-vis DPs | N/A | N | | |
| | | | | | | - How many of the Action Documents have been submitted to a procedure to ensure CCC&S? - How many of the comments related to CC&S have been taken into account in the final versions of the action documents. | N/A | N | | |
| I-5.1.2 Country strategies, AAP and project design procedures include provisions to allow a sound CCC&S, including vis-à-vis DPs | N/A | | | | | N | | | | |
| I-5.1.3 Extent to which recommendations from M&E for improving CCC&S are incorporated in the instrument | N/A | | | | | N | | | | |
| I-5.1.4 Evidence that EU is assuming a leading role in policy and political dialogue and coordination on nuclear safety. | N/A | | | | | L | | See I-5.2.2.2 | | |
| JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs. | I-5.2.1 Evidence of mechanisms established to promote CCC&S with other EFIs. I-5.2.2 Evidence of complementarities with interventions of other EFIs | | | | | Y | M | p. 2; p. 8 | Synergies will be sought between the implementation of the INSC and the Instrument contributing to Stability and Peace (IcSP) ³ , in particular under its Article 5 addressing global and trans-regional and emerging threats. An experience has shown there are important synergies to be gained if both instruments are implemented in a coherent way. At the regional level, coordination between both instruments should take into account the input of the established Chemical, Biological, Radiological and Nuclear (CBRN) Centres of Excellence network. (p. 8) The response to requests in this area will aim at preventing situations requiring later costly remediation, such as those found in uranium mines legacy sites in Central Asia. The projects will benefit from the synergies with the Instrument contributing to Stability and Peace dealing with the specific nuclear security issues. The areas covered by the INSC programme are also supported by international organisations, such as the IAEA, individual EU Member States and other major donors, G8/7 members in particular. Coordination of the respective activities of international organisations and major donors is essential to ensure that funding is well targeted and does not duplicate and/or overlap. The European Union will continue coordinating its activities in the context of established mechanisms or bilateral contacts. Among the existing mechanisms it is worth highlighting those provided by the 2013 | |
| EQ 6. To what extent has the INSC leveraged further funds and/or political or policy engagement | JC 6.1 INSC has leveraged political and policy engagement | | | | | I-6.1.1 Extent to which INSC-II procedures, processes, institutional set up and management leverage effective political and policy engagement. | Y | M | | See I-5.2.2 |
| | | How many of the action documents refer to initiatives which are not managed by DEVCO (possible sub indicators: Member states activities, other institutions, DP, PC)? | Y | | | M | | See I-5.2.1 | | |
| | | I-6.1.2 Evidence that INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety. | Y | | | M | | See I-5.2.2 | | |
| | | JC 6.2 INSC has leveraged additional funds to support Nuclear Safety | I-6.2.1 Evidence that INSC-II regulations, procedures, best practices and alliances are well equipped to promote leveraging of additional funds (co-financing, PC contributions, blending) I-6.2.2 Evidence that INSC is leveraging additional investments (co-financing, PC contributions, blending) from PCs and DPs. How many of the AD indicate financing from other sources (possible sub indicators: co-financing, blending, ...) | | | Y | L | p. 9 | The areas covered by the INSC programme are also supported by international organisations, such as the IAEA, individual EU Member States and other major donors, G8/7 members in particular. Coordination of the respective activities of international organisations and major donors is essential to ensure that funding is well targeted and does not duplicate and/or overlap. | |
| | | | N/A | N | | | | | | |

| EQs | JCs | Indicators | Does the source provide evidence on the indicator? (yes or no) | Quality of evidence (high, med, low, non-existent) | Paragraph or page # | RELEVANT TEXT | OTHER COMMENTS (e.g. quality, contradictions, ideas for further research, etc.) | |
|--|---|---|---|--|---|--|---|--|
| EQ 1. To what extent do the specific objectives (INSC Regulation, Article 2) and the design of the INSC respond to: (i) EU priorities and beneficiary needs identified at the time the instrument was adopted (and 2013)? (ii) Current EU priorities and beneficiary needs, given the evolving challenges and priorities in international context (up to mid-2017)? | JC 1.1 INSC-II specific objectives align with EU policy priorities and take into account previous lessons. | I-1.1.1 Evidence the instrument has adequate mechanisms to ensure congruence with: | | | | | | |
| | | - EU/Euratom policies and priorities (EC directives) | yes | high | p. 2, par. 3 | Having regard to Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, EURATOM) No 1605/2002, and in particular Article 84(2) thereof, Whereas: (1) The Commission has adopted the Nuclear Safety Strategy Paper 3 2014-2020 and the Multiannual Indicative Programme for the period 2014-2017, points 1 (1), (2) and (3) of which provide for the following priorities: (a) Promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety (b) Responsible and safe management of spent fuel and radioactive waste (i.e. transport, pre-treatment, treatment, processing, storage and disposal), decommissioning and remediation of former nuclear sites and installations; (c) Establishment of frameworks and methodologies for the application of efficient and effective safeguards for nuclear material in third countries; (2) The objectives pursued by the Annual Action Programme to be financed under the Instrument for Nuclear Safety Cooperation are to enable beneficiary | | |
| | | - Member States policies and priorities | no | Non-existent | | | | |
| | | - In how many action documents is there a reference to EU Acquis/ EU directives? | no | Non-existent | | | | |
| | | If not, would it have been appropriate/possible? | no | Non-existent | | | | |
| | | I-1.1.2 Evidence that the instrument has adequate mechanisms to ensure compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | yes | high | p. 3 (par. 4 and 5) | This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (5) This Decision should provide that the Commission acknowledges and accepts the contribution from other donors pursuant to Budget Article 21(2)(b) of Regulation (EU, EURATOM) No 966/2012, subject to the signature of the relevant agreement by the responsible authorising officer, and should decide on the use of such contribution. The measures provided for in this Decision are in accordance with the opinion of the Nuclear Safety Cooperation Committee set up under Article 5 of the INSC Regulation (par. 8) | | |
| | | - In how many action documents (% of selected sample) is there a clear indication of compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | yes, see I-1.1.1 | High | | | | specification is visible as provided in the text re. the two indicators above. |
| | | I-1.1.3 Evidence that INSC-II includes lessons from INSC-I and its revised Strategy: | no | Non-existent | | | | not specified here. |
| | | - Major recommendations/ lessons incorporated in INSC-II. | no | Non-existent | | | | not specified here. |
| | | - Recommendations by the Court of Auditors and others addressed by the instrument. | no | Non-existent | | | | not specified here. |
| JC 1.2 INSC-II is informed on partners' needs in 2013. | I-1.2.1 Evidence that INSC mechanisms and procedures take into account partners' needs | no | non-existent | | | | The AAP 2014 does not mention anything specific re. the needs of the countries, but in its elaboration of actions, it does provide objectives of the actions themselves. | |
| | I-1.2.2 Evidence of consultation process to build Annual Action Programmes (AAPs). How many of the action documents are based on a request by partners? | no | non-existent | | | | | |
| | I-1.3.1 Evidence of in-built mechanisms to adjust to challenges | no | non-existent | | | | | |
| JC 1.3 INSC-II adequately responds to evolving challenges | I-1.3.2 Evidence of significant changes in INSC-II due to major external events (e.g. EU stress test results, 'Iran deal'). How many of the AD reflect issues unknown in 2013 | no | non-existent | | | | | |
| | I-2.1 Evidence that the instrument mechanisms and governance take into account results-based management and aid effectiveness principles. | yes | med | throughout, Aid effectiveness p.3 | This Decision should provide that the Commission acknowledges and accepts the contribution from other donors pursuant to Budget Article 21(2)(b) of Regulation (EU, EURATOM) No 966/2012, subject to the signature of the relevant agreement by the responsible authorising officer, and should decide on the use of such contribution. | The AAP 2014 presents the overview of the INSC overall objectives; actions and their respective objectives. Aid-effectiveness measures can be found as seen in the text for this indicator | | |
| | I-2.2 Evidence of mechanisms in place to support interventions' sustainability and impact. | yes | med | throughout | Examples for sustainability measures: Annex 6: Action entitled "Multinational and regional Training and Tutoring for experts of the national Regulatory Authorities and their Technical Support Organisations for developing or strengthening their regulatory and technical capabilities". The main objective of this project is the provision of training and tutoring to the employees (experts) of Regulatory Authorities and their Technical Support Organisations in view of strengthening their capabilities. The cooperation activities will support their effort to become self-sufficient with regard to their tasks and responsibilities in terms of management and technical means. Annex 4: Action entitled "Infrastructure improvements for management of legacy radioactive waste and nuclear decommissioning in Ukraine". This project is expected to result in improved infrastructure for radioactive waste management (processing, storage and disposal) and | Description of actions have some notions (as can be seen in the text for this indicator) for sustainability. However, these are not elaborated in detail. Impact is tackled through overview of INSC objectives. | | |
| EQ 2. To what extent does the INSC deliver results against the instrument's objectives and specific EU priorities? | JC 2.1 INSC-II governance, mechanisms and DECO business processes are conducive to sustaining results/ impact. | How many AD include reference to sustainable results such as knowledge transfer or capacity building? | yes | med | throughout | | Description of all actions mentions transfer of knowledge and capacity building, to bigger or smaller extent. | |
| | | I-2.1.3 Evidence of regulations, procedures and clear guidelines to support cross-cutting priorities (CIR). | no | Non-existent | | | In specific action (e.g. Action for Central Asia) limited mentioning of environment is present, but not extensive (Annex 1: Action entitled "Management and remediation of high risk uranium legacy sites in Central Asia". The expected outcome is to strengthen the national capacity for environmental protection against radiological hazards through the successful remediation of contaminated sites. The corresponding multi country project will complete the necessary preparatory work (feasibility study and environmental impact assessment for the last considered site (i.e. Mailuu Suu) and initiate a global remediation programme supported by the international community where the European Union will have a leading role.) | |
| | | - How many of the AD have been submitted for review to support cross cutting priorities? | no | Non-existent | | | | |
| | | - How many of the AD clearly support cross cutting issues? | no | Non-existent | | | | |
| | JC 2.2 INSC analyses whether results matching objectives | I-2.2.1 Evidence of INSC programmes contributing to specific objectives 1, 2 and 3. | yes | low | | | | Actions present implicitly links to overall objectives. |
| | | I-2.2.2 Evidence of INSC contribution to EU cross-cutting priorities (e.g. gender mainstreaming, good governance, human rights and environmental protection). How many of the Action Documents include KPIs for cross cutting priorities (with subindicator per priority) | no | Non-existent | | See above | | |
| | JC 2.3 INSC-II incorporates lessons from INSC-I to improve mechanisms for effective delivery of results | I-2.3.1 Feedback and lesson-learning mechanism in place. | no | Non-existent | | | | |
| | | I-3.1.1 Evidence that the instrument allocates adequate human and financial resources and capacities (management, technical, administrative) at different levels to support implementation. | yes | low | p. 4 | The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, EURATOM) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012 (7) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of Delegated Regulation (EU) No 1268/2012 to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the responsible authorising officer). | | |
| | EQ 3. To what extent is the INSC delivering efficiently? | JC 3.1 INSC resources and management systems support efficient implementation. | I-3.1.2 Evidence that the centralized management system is adequate to support efficiently the implementation. | no | Non-existent | | | |
| | | | I-3.1.3 Evidence of adequate monitoring and indicators to measure interventions' performance (e.g. EU contributions to Chernobyl Funds managed by EBRD and IAEA actions). | no | Non-existent | | | |
| I-3.2.1 Evidence of improved mechanisms, regulations, procedures and other adjustments to support the instrument performances. | | | no | Non-existent | | | | |
| JC 3.2 The instrument improved its mechanisms to support implementation performances from INSC-I to INSC-II | | I-3.2.2 Evidence of decreased periods in contracting and implementation. | no | Non-existent | | | | |
| | | Time between programming and contracting. | no | Non-existent | | | | |
| % of Ap successfully programmed/ failed. | | no | Non-existent | | | | | |
| JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, biodiversity mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility | | I-3.3.1 Evidence that INSC regulations take into account the following parameters | Non-existent | | | | | |
| | | (1) Flexibility/Speed of Delivery in contract award procedures. | no | Non-existent | | | | |
| | | (2) Promoting Ownership. | no | Non-existent | | | | |
| | | (3) Promoting Climate and Biodiversity Mainstreaming. | no | Non-existent | | | | |
| | (4) Promoting Human Rights and Fundamental Freedoms. | no | Non-existent | | | | | |
| | (5) Promoting Effective and Efficient Implementation Methods, and | no | Non-existent | | | | | |
| | (6) Promoting Visibility. | no | Non-existent | | | | | |
| How many Action documents take into account the above parameters? | no | Non-existent | | | | | | |
| How many Action documents have been updated after QSG input? | no | Non-existent | | | | | | |
| EQ 4. To what extent does INSC facilitate coherence, consistency, complementarity and synergies (CCC&S) both internally between its own set of objectives and programmes and vis-à-vis other EFIs (see also INSC Regulation, Article 4)? | JC 5.1 The INSC set up and processes are conducive to promote CCC&S | I-5.1.1 Evidence that the centralized management system, with its resources and interactions, is adequate to ensure effective CCC&S, including vis-à-vis DPs | N/A | Non-existent | | | | |
| | | - How many of the Action Documents have been submitted to a procedure to ensure ensure CCC&S? | N/A | Non-existent | | | | |
| | | - How many of the comments related to CCC&S have been taken into account in the final versions of the action documents. | N/A | Non-existent | | | | |
| | | I-5.1.2 Country strategies, AAP and project design procedures include provisions to allow a sound CCC&S, including vis-à-vis DPs | to some extent | Low | | | | AAP makes links with EU priorities and EURATOM; it provides space for co-financing with other donors; and provides a coherent set of actions of focus for programming year (each action presented has overview of objectives and main areas of interventions). |
| JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs. | I-5.1.3 Extent to which recommendations from M&E for improving CCC&S are incorporated in the instrument | N/A | Non-existent | | | | | |
| | I-5.1.4 Evidence that EU is assuming a leading role in Partner Countries in nuclear safety coordination, strengthening CCC&S. | N/A | Non-existent | | | | | |
| | I-5.2.1 Evidence of mechanisms established to promote CCC&S with other EFIs. | See I-5.1.2 | Med | | | Synergies will be sought between the implementation of the INSC and the Instrument contributing to Stability and Peace (ICSP)3, in particular under its Article 5 addressing global and trans-regional and emerging threats. An experience has shown there are important synergies to be gained if both Instruments are implemented in a coherent way. At the regional level, coordination between both instruments should take into account the input of the established Chemical, Biological, Radiological and Nuclear (CBRN) Centres of Excellence network. | | |
| | I-5.2.2 Evidence of complementarities with interventions of other EFIs | no | Non-existent | | | | | |
| EQ 6. To what extent has the INSC leveraged further funds and/or political or policy engagement | JC 6.1 INSC has leveraged political and policy engagement | I-6.1.1 Extent to which INSC-II procedures, processes, institutional set up and management leverage effective political and policy engagement | N/A | Non-existent | | | | |
| | | How many of the action documents refer to initiatives which are not managed by DECO (possible sub indicators: Member states activities, other institutions, DP, PC)? | N/A | Non-existent | | | | |
| | JC 6.2 INSC has leveraged additional funds to support Nuclear Safety | I-6.1.2 Evidence that INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety. | N/A | Non-existent | | | | |
| | | I-6.2.1 Evidence that INSC-II regulations, procedures, best practices and alliances are well equipped to promote leveraging of additional funds (co-financing, PC contributions, blending) | See I-2.2.1 | Low | | | | |
| I-6.2.2 Evidence that INSC is leveraging additional investments (co-financing, PC contributions, blending) from PCs and DPs. | See I-2.2.1 | Low | | | | | | |
| How many of the AD indicate financing from other sources (possible sub indicators: co-financing, blending, ...) | no | Non-existent | | | | | | |

| EQs | JCs | Indicators | Does the source provide evidence on the indicator? (yes or no) | Quality of evidence (high, med, low, non-existent) | Paragraph or page # | RELEVANT TEXT | OTHER COMMENTS (e.g. quality, contradictions, ideas for further research, etc.) | | |
|--|--|---|--|---|-----------------------------------|--|--|---|---|
| EQ 1. To what extent do the specific objectives (NSC Regulation, Article 2) and the design of the NSC respond to: (i) EU priorities and beneficiary needs identified at the time the instrument was adopted (end 2013)? (ii) Current EU priorities and beneficiary needs, given the evolving challenges and priorities in international context (up to mid-2017)? | JC 1.1 INSC-II specific objectives align with EU policy/priorities and take into account previous lessons. | I-1.1 Evidence the instrument has adequate mechanisms to ensure congruence with: | | | | | | | |
| | | - EU/Euratom policies and priorities (EC directives) | yes | high | p. 2, par. 3 | Having regard to Regulation (EU, EURATOM) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, EURATOM) No 1605/2002, and in particular Article 84(2) thereof, Whereas: (1) The Commission has adopted the Nuclear Safety Strategy Paper 3 2014-2020 and the Multiannual Indicative Programme for the period 2014-2017, points 1 (1), (2) and (3) of which provide for the following priorities: (a) Promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety (b) Responsible and safe management of spent fuel and radioactive waste (i.e. transport, pre-treatment, treatment, processing, storage and disposal), decommissioning and remediation of former nuclear sites and installations; (c) Establishment of frameworks and methodologies for the application of efficient and effective safeguards for nuclear material in third countries; (2) The objectives pursued by the Annual Action Programme to be financed under the Instrument for Nuclear Safety Cooperation are to enable beneficiary | | | |
| | | - Member States policies and priorities | no | Non-existent | | | | | |
| | | - In how many action documents is there a reference to EU Acquis/EU directives? | no | Non-existent | | | | | |
| | | If not: would it have been appropriate/possible? | no | Non-existent | | | | | |
| | | I-1.2 Evidence that the instrument has adequate mechanisms to ensure compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | yes | high | p. 3 (par. 4 and 5) | This Decision complies with the conditions laid down in Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union. (5) This Decision should provide that the Commission acknowledges and accepts the contribution from other donors pursuant to Budget Article 21(2)(b) of Regulation (EU, EURATOM) No 966/2012, subject to the signature of the relevant agreement by the responsible authorising officer, and should decide on the use of such contribution. The measures provided for in this Decision are in accordance with the opinion of the Nuclear Safety Cooperation Committee set up under Article 5 of the INSC Regulation (par. 8) | | | |
| | | - In how many action documents (% of selected sample) is there a clear indication of compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | yes, see I-1.1.1 | High | | | | specification is visible as provided in the text re. the two indicators above. | |
| | | I-1.3 Evidence that INSC-II includes lessons from INSC-I and its revised Strategy: | no | Non-existent | | | | not specified here. | |
| | | - Major recommendations/ lessons incorporated in INSC-II. | no | Non-existent | | | | not specified here. | |
| | | - Recommendations by the Court of Auditors and others addressed by the Instrument. | no | Non-existent | | | | not specified here. | |
| JC 1.2 INSC-II is informed on partners' needs in 2013. | JC 1.3 INSC-II adequately responds to evolving challenges | I-1.2.1 Evidence that INSC mechanisms and procedures take into account partners' needs | no | non-existent | | | The AAP 2014 does not mention anything specific re. the needs of the countries, but in its elaboration of actions, it does provide objectives of the actions themselves. | | |
| | | I-1.2.2 Evidence of consultation process to build Annual Action Programmes (AAPs). How many of the action documents are based on a request by partners? | no | non-existent | | | | | |
| | | I-1.3.1 Evidence of inbuilt mechanisms to adjust to challenges | no | non-existent | | | | | |
| | | I-1.3.2 Evidence of significant changes in INSC-II due to major external events (e.g. EU stress test results, "Iran deal"). How many of the AD reflect issues unknown in 2013? | no | non-existent | | | | | |
| EQ 2. To what extent does the INSC deliver results against the instrument's objectives and specific EU priorities? | JC 2.1 INSC-II governance, mechanisms and DEVOCO business processes are conducive to sustaining results/ impact. | I-2.1 Evidence that the instrument mechanisms and governance take into account results-based management and aid effectiveness principles. | yes | med | throughout, Aid effectiveness p.3 | This Decision should provide that the Commission acknowledges and accepts the contribution from other donors pursuant to Budget Article 21(2)(b) of Regulation (EU, EURATOM) No 966/2012, subject to the signature of the relevant agreement by the responsible authorising officer, and should decide on the use of such contribution. | The AAP 2014 presents the overview of the INSC overall objectives; actions and their respective objectives. Aid-effectiveness measures can be found as seen in the text for this indicator | | |
| | | I-2.2 Evidence of mechanisms in place to support interventions' sustainability and impact. | yes | med | throughout | Examples for sustainability measures: Annex 6: Action entitled "Multinational and regional Training and Tutoring for experts of the national Regulatory Authorities and their Technical Support Organisations for developing or strengthening their regulatory and technical capabilities". The main objective of this project is the provision of training and tutoring to the employees (experts) of Regulatory Authorities and their Technical Support Organisations in view of strengthening their capabilities. The cooperation activities will support their effort to become self-sufficient with regard to their tasks and responsibilities in terms of management and technical means. Annex 4: Action entitled "Infrastructure improvements for management of legacy radioactive waste and nuclear decommissioning in Ukraine". This project is expected to result in improved infrastructure for radioactive waste management (processing, storage and disposal) and | Description of actions have some notions (as can be seen in the text for this indicator) for sustainability. However, these are not elaborated in detail. Impact is tackled through overview of INSC objectives. | | |
| | | How many AD include reference to sustainable results such as knowledge transfer or capacity building? | yes | med | throughout | | Description of all actions mentions transfer of knowledge and capacity building, to bigger or smaller extent. | | |
| | | I-2.3 Evidence of regulations, procedures and clear guidelines to support cross-cutting priorities (CIR). | no | Non-existent | | | In specific action (e.g. Action for Central Asia) limited mentioning of environment is present, but not extensive (Annex 1: Action entitled "Management and remediation of high risk uranium legacy sites in Central Asia". The expected outcome is to strengthen the national capacity for environmental protection against radiological hazards through the successful remediation of contaminated sites. The corresponding multi country project will complete the necessary preparatory work (feasibility study and environmental impact assessment for the last considered site i.e. Mailuu Suu) and initiate a global remediation programme supported by the international community where the European Union will have a leading role.) | | |
| | | - How many of the AD have been submitted for review to support cross cutting priorities? | no | Non-existent | | | | | |
| | | - How many of the AD clearly support cross cutting issues? | no | Non-existent | | | | | |
| | | JC 2.2 INSC analyses whether results matching objectives | JC 2.3 INSC-II incorporates lessons from INSC-I to improve mechanisms for effective delivery of results | I-2.2.1 Evidence of INSC programmes contributing to specific objectives 1, 2 and 3. | yes | low | | See above | Actions present implicitly links to overall objectives. |
| | | I-2.2.2 Evidence of INSC contribution to EU cross-cutting priorities (e.g. gender mainstreaming, good governance, human rights and environmental protection). How many of the Action Documents include KPIs for cross cutting priorities (with subindicator per priority) | | no | Non-existent | | | | |
| | | I-2.3.1 Feedback and lesson-learning mechanism in place. | | no | Non-existent | | | | |
| | | EQ 3. To what extent is the INSC delivering efficiently? | JC 3.1 INSC resources and management systems support efficient implementation. | I-3.1 Evidence that the instrument allocates adequate human and financial resources and capacities (management, technical, administrative) at different levels to support implementation. | yes | low | p. 4 | The maximum contribution of the European Union set by this Decision should cover any possible claims for interest due for late payment on the basis of Article 92 of Regulation (EU, EURATOM) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012 (7) The Commission is required to define the term "non-substantial change" in the sense of Article 94(4) of Delegated Regulation (EU) No 1268/2012 to ensure that any such changes can be adopted by the authorising officer by delegation, or under his or her responsibility, by sub-delegation (hereinafter referred to as the responsible authorising officer). | |
| I-3.1.2 Evidence that the centralized management system is adequate to support efficiently the implementation. | no | | | Non-existent | | | | | |
| I-3.1.3 Evidence of adequate monitoring and indicators to measure interventions' performance (e.g. EU contributions to Chernobyl Funds managed by EBRD and IAEA actions). | no | | | Non-existent | | | | | |
| JC 3.2 The instrument improved its mechanisms to support implementation performances from INSC-I to INSC-II | JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, biodiversity mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility | | I-3.2.1 Evidence of improved mechanisms, regulations, procedures and other adjustments to support the instrument performances. | no | Non-existent | | | | |
| | | | I-3.2.2 Evidence of decreased periods in contracting and implementation. | no | Non-existent | | | | |
| | | | Time between programming and contracting. | no | Non-existent | | | | |
| % of Ap successfully programmed/ failed. | no | | Non-existent | | | | | | |
| I-3.3.1 Evidence that INSC regulations take into account the following parameters | JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, biodiversity mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility | | (1) Flexibility/Speed of Delivery in contract award procedures. | no | Non-existent | | | | |
| (2) Promoting Ownership. | | | no | Non-existent | | | | | |
| (3) Promoting Climate and Biodiversity Mainstreaming. | | | no | Non-existent | | | | | |
| (4) Promoting Human Rights and Fundamental Freedoms. | | no | Non-existent | | | | | | |
| (5) Promoting Effective and Efficient Implementation Methods, and | | to some extent, implicitly | Low | | | | | | |
| (6) Promoting Visibility. | | no | Non-existent | | | | | | |
| How many Action documents take into account the above parameters? | no | Non-existent | | | | | | | |
| How many Action documents have been updated after QSG input? | no | Non-existent | | | | | | | |
| I-3.3.2 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1 | no | Non-existent | | | | | | | |
| - How many AD have been updated after input by QSG? | N/A | Non-existent | | | | | | | |
| - How many Partner Countries view CIR implementation overall positively or negatively? | N/A | Non-existent | | | | | | | |
| EQ 4. To what extent do the INSC programmes add value compared to interventions by Member States or other key donors? | JC 4.1 INSC adds value compared to interventions by Member States or other key donors. | I-4.1.1 Extent to which INSC adds value in terms of size of engagement. | N/A | Non-existent | | | | | |
| | | - How many Action documents were criticised because the activity should have been carried out by member states? | N/A | Non-existent | | | | | |
| | | - How many Action documents were criticised because the activity was unnecessarily repeating activities by other donors? | N/A | Non-existent | | | | | |
| | | I-4.1.2 Extent to which INSC adds value in terms of expertise. | N/A | Non-existent | | | | | |
| I-4.1.3 Extent to which INSC adds value in terms of advocacy. | N/A | Non-existent | | | | | | | |
| EQ 5. To what extent does INSC facilitate coherence, consistency, complementarity and synergies (CCC&S) both internally between its own set of objectives and programmes and vis-à-vis other EFIs (see also INSC Regulation, Article 4)? | JC 5.1 The INSC set up and processes are conducive to promote CCC&S | I-5.1.1 Evidence that the centralized management system, with its resources and interactions, is adequate to ensure effective CCC&S, including vis-à-vis DPs | N/A | Non-existent | | | | | |
| | | - How many of the Action Documents have been submitted to a procedure to ensure ensure CCC&S? | N/A | Non-existent | | | | | |
| | | - How many of the comments related to CCC&S have been taken into account in the final versions of the action documents. | N/A | Non-existent | | | | | |
| | I-5.1.2 Country strategies, AAP and project design procedures include provisions to allow a sound CCC&S, including vis-à-vis DPs | to some extent | Low | | | | | | |
| | I-5.1.3 Extent to which recommendations from M&E for improving CCC&S are incorporated in the instrument | N/A | Non-existent | | | | | | |
| | I-5.1.4 Evidence that EU is assuming a leading role in Partner Countries in nuclear safety coordination, strengthening CCC&S. | N/A | Non-existent | | | | | | |
| JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs. | JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs. | I-5.2.1 Evidence of mechanisms established to promote CCC&S with other EFIs. | See I-5.1.2 | Med | | Synergies will be sought between the implementation of the INSC and the Instrument contributing to Stability and Peace (IcSP)3, in particular under its Article 5 addressing global and trans-regional and emerging threats. As experience has shown there are important synergies to be gained if both instruments are implemented in a coherent way. At the regional level, coordination between both instruments should take into account the input of the established Chemical, Biological Radiological and Nuclear (CBRN) Centres of Excellence network. | | | |
| | | I-5.2.2 Evidence of complementarities with interventions of other EFIs | no | Non-existent | | | | | |
| EQ 6. To what extent has the INSC leveraged further funds and/or political or policy engagement | JC 6.1 INSC has leveraged political and policy engagement | I-6.1.1 Extent to which INSC-II procedures, processes, institutional set up and management leverage effective political and policy engagement. | N/A | Non-existent | | | | | |
| | | How many of the action documents refer to initiatives which are not managed by DEVOCO (possible sub indicators: Member states activities, other institutions, DP, PC)? | N/A | Non-existent | | | | | |
| | I-6.1.2 Evidence that INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety. | N/A | Non-existent | | | | | | |
| | I-6.2.1 Evidence that INSC-II regulations, procedures, best practices and alliances are well equipped to promote leveraging of additional funds (co-financing, PC contributions, blending) | See I-2.2.1 | Low | | | | | | |
| JC 6.2 INSC has leveraged additional funds to support Nuclear Safety | JC 6.2 INSC has leveraged additional funds to support Nuclear Safety | I-6.2.2 Evidence that INSC is leveraging additional investments (co-financing, PC contributions, blending) from PCs and DPs. | See I-2.2.1 | Low | | | | | |
| | | How many of the AD indicate financing from other sources (possible sub indicators: co-financing, blending, ...) | no | Non-existent | | | | | |

| JCs | Indicators | Does the source provide evidence on the indicator? (yes or no) | Quality of evidence (high, med, low, non-existent) | Paragraph or page # | RELEVANT TEXT | OTHER COMMENTS (e.g. quality, contradictions, ideas for further research, etc.) | |
|--|--|---|---|--|--|--|--|
| JC 1.1 INSC-II specific objectives align with EU policy/priorities and take into account previous lessons. | I-1.1.1 Evidence the instrument has adequate mechanisms to ensure congruence with: - EU/Euratom policies and priorities (EC directives) | yes | high | p. 2 | Having regard to the Treaty establishing the European Atomic Energy Community, Having regard to Council Regulation (EURATOM) No 237/2014 of 13 December 2013 establishing an Instrument for Nuclear Safety Cooperation (hereinafter referred to as "INSC") and in particular Article 7(1) thereof, Whereas: (1) The Commission has adopted the Nuclear Safety Strategy Paper 2014-2020 and the Multiannual Indicative Programme for the period 2014-2017, points 1 (1), (2) and (3) of which provide for the following priorities: (a) promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards, and continuous improvement of nuclear safety; (b) responsible and safe management of spent fuel and radioactive waste (i.e. transport, pre-treatment, treatment, processing, storage and disposal), decommissioning and remediation of former nuclear sites and installations; (c) establishment of frameworks and methodologies for the application of efficient and effective safeguards for nuclear material in third countries. | | |
| | - Member States policies and priorities | no | non-existent | | | | |
| | - In how many action documents is there a reference to EU Acquis/EU directives? | yes | med | p. 4, p. 6 | The measures provided for in this Decision are in accordance with the opinion of the Nuclear Safety Cooperation Committee set up under Article 11 of the Regulation (Euratom) No 237/2014. The section "Implementation" of the Annexes to this Decision sets out the elements required by Article 94(2) of Delegated Regulation (EU) No 1268/2012. | | |
| | If not would it have been appropriate/possible? | | | | | | |
| | I-1.1.2 Evidence that the instrument has adequate mechanisms to ensure compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. - In how many action documents (% of selected sample) is there a clear indication of compliance with EU principles and priorities for development cooperation as set by the Agenda for Change and CIR. | yes, see I-1.1.1 | low | | | | |
| | I-1.1.3 Evidence that INSC-II includes lessons from INSC-I and its revised Strategy: - Major recommendations/lessons incorporated in INSC-II. - Recommendations by the Court of Auditors and others addressed by the Instrument. | no no no | non-existent non-existent non-existent | | | | |
| JC 1.2 INSC-II is informed on partners' needs in 2013. | I-1.2.1 Evidence that INSC mechanisms and procedures take into account partners' needs | no | non-existent | | | | |
| | I-1.2.2 Evidence of consultation process to build Annual Action Programmes (AAPs). How many of the action documents are based on a request by partners? | no | non-existent | | | | |
| JC 1.3 INSC-II adequately responds to evolving challenges | I-1.3.1 Evidence of inbuilt mechanisms to adjust to challenges | no | non-existent | | | | |
| | I-1.3.2 Evidence of significant changes in INSC-II due to major external events (e.g. EU stress test results, 'Iran deal'). How many of the AD reflect issues unknown in 2013 | no | non-existent | | | | |
| JC 2.1 INSC-II governance, mechanisms and DEVCO business processes are conducive to sustaining results/impact. | I-2.1.1 Evidence that the instrument mechanisms and governance take into account results-based management and aid effectiveness principles. | yes | low | | | | |
| | I-2.1.2 Evidence of mechanisms in place to support interventions' sustainability and impact. How many AD include reference to sustainable results such as knowledge transfer or capacity building? | yes | med | | | | |
| | I-2.1.3 Evidence of regulations, procedures and clear guidelines to support cross-cutting priorities (CIR). - How many of the AD have been submitted for review to support cross cutting priorities? - How many of the AD clearly support cross cutting issues? | no no no | non-existent non-existent non-existent | | | | |
| | I-2.2.1 Evidence of INSC programmes contributing to specific objectives 1, 2 and 3. | yes | med | p. 2 | The objectives pursued by the Annual Action Programme 2016 to be financed under the Instrument for Nuclear Safety Cooperation are to enable beneficiary countries to improve the safety of their nuclear installations and their operations. (3) The Annual Action Programme 2016 is constituted of eleven actions: | | |
| JC 2.2 INSC analyses whether results matching objectives | I-2.2.2 Evidence of INSC contribution to EU cross-cutting priorities (e.g. gender mainstreaming, good governance, human rights and environmental protection). How many of the Action Documents include KPIs for cross cutting priorities (with sub-indicator per priority) | no | non-existent | | | | |
| | I-2.3.1 Feedback and lesson-learning mechanism in place. | no | non-existent | | | | |
| JC 3.1 INSC resources and management systems support efficient implementation. | I-3.1.1 Evidence that the instrument allocates adequate human and financial resources and capacities (management, technical, administrative) at different levels to support implementation. | yes | low | p. 4, p. 5, p. 6 | It is necessary to adopt a financing decision the detailed rules of which are set out in Article 94 of Commission Delegated Regulation (EU) No 1268/2012. Annual Action Programme 2016 for Nuclear Safety Cooperation to be financed from the general budget of the European Union. The maximum contribution of the European Union authorised by this Decision for the implementation of this Annual Action Programme is set at EUR 70 369 456 to be financed from budget line 21 06 01 and 21 06 02 of the general budget of the Union for 2016. The financial contribution provided for in the first paragraph may also cover interest due for late payment. Budget-implementation tasks under indirect management may be entrusted to the entities identified in the attached annexes 3 and 9 subject to the conclusion of the relevant agreements. Increases or decreases of up to EUR 5 000 000 not exceeding 20% of the contribution referred to in the first paragraph of Article 2, or cumulated changes to the allocations of specific actions not exceeding 20% of that contribution and not representing more than EUR 5 000 000 shall not be considered substantial, provided that they do not significantly affect the nature and objectives of the actions. | | |
| | I-3.1.2 Evidence that the centralized management system is adequate to support efficiently the implementation. | yes, to some extent | med | p. 4 | The Commission should be able to entrust budget-implementation tasks under indirect management to the entities specified in this Decision, subject to the conclusion of a delegation agreement. In accordance with Article 60(1) and (2) of Regulation (EU, Euratom) No 966/2012, the authorising officer responsible | | |
| | I-3.1.3 Evidence of adequate monitoring and indicators to measure interventions' performance (e.g. EU contributions to Chernobyl Funds managed by EBRD and IAEA actions). | no | non-existent | | | | |
| | I-3.2.1 Evidence of improved mechanisms, regulations, procedures and other adjustments to support the instrument performances. I-3.2.2 Evidence of decreased periods in contracting and implementation. Time between programming and contracting. % of Ap successfully programmed/failed. | no no no | non-existent non-existent non-existent | p. 4 | It is necessary to allow the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012. | not many changes from the AAP 2014 | |
| JC 3.3 INSC regulations align to CIR for aspects of flexibility, ownership, climate change, biodiversity mainstreaming, promotion of human rights, effective and efficient implementation methods and promoting visibility | I-3.3.1 Evidence that INSC regulations take into account the following parameters: (1) Flexibility/Speed of Delivery in contract award procedures, (2) Promoting Ownership, (3) Promoting Climate and Biodiversity Mainstreaming, (4) Promoting Human Rights and Fundamental Freedoms, (5) Promoting Effective and Efficient Implementation Methods, and (6) Promoting Visibility. | no no no no to some extent, implicitly no | non-existent non-existent non-existent non-existent low non-existent | | | | |
| | How many Action documents take into account the above parameters? | no | non-existent | | | | |
| | How many Action documents have been updated after QSG input? | no | non-existent | | | | |
| | I-3.3.2 Evidence that the Quality Support Group improves draft Action Documents on same set of parameters as in I-3.3.1. - How many AD have been updated after input by QSG? - How many Partner Countries view CIR implementation overall positively or negatively? | no N/A N/A | non-existent non-existent non-existent | | | | |
| | JC 4.1 INSC adds value compared to interventions by Member States or other key donors. | I-4.1.1 Extent to which INSC adds value in terms of size of engagement. - How many Action documents were criticised because the activity should have been carried out by member states? - How many Action documents were criticised because the activity was unnecessarily repeating activities by other donors? | N/A N/A N/A | non-existent non-existent non-existent | | | |
| | | I-4.1.2 Extent to which INSC adds value in terms of expertise. | N/A | non-existent | | | |
| I-4.1.3 Extent to which INSC adds value in terms of advocacy. | | N/A | non-existent | | | | |
| JC 5.1 The INSC set up and processes are conducive to promote CCC&S | | I-5.1.1 Evidence that the centralized management system, with its resources and interactions, is adequate to ensure effective CCC&S, including vis-à-vis DPs - How many of the Action Documents have been submitted to a procedure to ensure ensure CCC&S? - How many of the comments related to CC&S have been taken into account in the final versions of the action documents. | to some extent N/A N/A | low non-existent non-existent | p. 4 | The EBRD is currently undergoing the assessment under Regulation (EU, Euratom) No 966/2012. In anticipation of the results of this review, the authorising officer responsible deems that, based on the entities' positive assessment under Council Regulation (EC, Euratom) No 1605/2002 and on the long-standing and problem-free cooperation with them, budget-implementation tasks can be entrusted to these entities. | |
| | I-5.1.2 Country strategies, AAP and project design procedures include provisions to allow a sound CCC&S, including vis-à-vis DPs | to some extent | low | | | | |
| | I-5.1.3 Extent to which recommendations from M&E for improving CCC&S are incorporated in the instrument | N/A | non-existent | | | | |
| | I-5.1.4 Evidence that EU is assuming a leading role in Partner Countries in nuclear safety coordination, strengthening CCC&S. | N/A | non-existent | | | | |
| | I-5.2.1 Evidence of mechanisms established to promote CCC&S with other EFIs. | to some extent | low | | | | |
| JC 5.2 INSC is adequately set to ensure CCC&S with other EFIs. | I-5.2.2 Evidence of complementarities with interventions of other EFIs | no | non-existent | | | | |
| JC 6.1 INSC has leveraged political and policy engagement | I-6.1.1 Extent to which INSC-II procedures, processes, institutional set up and management leverage effective political and policy engagement. How many of the action documents refer to initiatives which are not managed by DEVCO (possible sub indicators: Member states activities, other institutions, DP, PC)? | N/A N/A | non-existent non-existent | | | | |
| | I-6.1.2 Evidence that INSC supports EU leading role in policy and political dialogue and coordination on nuclear safety. | to some extent | low | | | | |
| JC 6.2 INSC has leveraged additional funds to support Nuclear Safety | I-6.2.1 Evidence that INSC-II regulations, procedures, best practices and alliances are well equipped to promote leveraging of additional funds (co-financing, PC contributions, blending). I-6.2.2 Evidence that INSC is leveraging additional investments (co-financing, PC contributions, blending) from PCs and DPs. How many of the AD indicate financing from other sources (possible sub indicators: co-financing, blending, ...) | to some extent to some extent no | low low non-existent | p. 3 | "European Commission Contribution to the Chernobyl Shelter Fund on behalf of the European Union". The objective of the action is the EU contribution to the EBRD (European Bank for Reconstruction and Development) Chernobyl Shelter Fund in order to close the current financial gap for the completion of the projects under | | |

Annex 9: Internal working document for analysis of activities and results

Analysis of random sample of 26 projects funded through INSC shows the following trends:

- 16 projects have training component. The training component often contains Training of Trainers, and development of the training systems for National authorities.
- 11 projects support strategy/legislation development or legislative reviews in different focus areas;
- 7 projects have knowledge transfer components. Usually, these components include transfer of best international practices and international experiences, in different areas of INSC focus;
- 12 projects provide support to development of guidelines, manuals studies or other similar products;
- four projects provide support to systems needs assessments;
- two projects had components of equipment supply;
- 13 projects provide support for maintenance of appropriate safety levels of plants or specific equipment or increase of safety culture; criteria for safety of plants or similar activities.

Annex 10: Illustrative material for EQ

1. Evaluation Question 1

Annex 10.1.A Ratification of Conventions and Treaties and International Peer Review.

The present status of ratification of the countries with the main Conventions (Convention on Nuclear Safety and 'Joint Convention') together with the ratification of the Treaty on Non-Proliferation of nuclear weapons (NPT) is shown in [Table 7: Overview of Ratification of relevant Conventions and Treaties, use of Peer Review missions, and transparency on national reports](#). In list of countries include countries with a history of cooperation or a future potential as well as the EU countries providing a reference. It is recognised that the Additional protocol is important but this politically sensitive issue is not addressed in the evaluation. As a general reference, adherence to a closely related convention is listed for the Conventions on the Physical Protection of Nuclear Material (related to the IcSP).

As recognised and referred in the INSC-II Regulation, the use of independent international peer review is advantageous for identifying areas requiring attention. The dedicated IAEA review instruments concern:

- (i) the Operational Safety Review Team (OSART) mission assessing the operational safety of nuclear power plants,
- (ii) the Integrated Regulatory Review Services (IRRS) assessing the national regulator, and
- (iii) the Integrated Nuclear Infrastructure Review (INIR) missions reviewing the infrastructure for engaging in a nuclear power programme.

In listing the missions a distinction is made between the past practice showing all the reviews as listed at the IAEA website and showing its relevance to the present situation for which 7 year is considered as the expiration of the recommendations after which its relevance is limited.

In addition to the above, the last column of [Table 7](#) shows the adherence to the principle of transparency for which the listing of the national reports for the triennial peer review (CNS and Joint Convention) at the IAEA web portal are the indicators. In this respect we did not check the functioning of the listed link.

Following observations can be readily made from the Table:

1. All countries with a longer cooperation under INSC have ratified the Conventions and the NPT (for countries with no nuclear reactors as for example Kyrgyzstan, the CNS is less relevant),
2. Many countries with a nuclear power programme use the OSART and IRRS missions with an intensive use of OSART missions in Ukraine as part of a safety reappraisal in an EC-IAEA-Ukraine assessment. WANO peer review missions have not been considered although also have the advantage of providing an independent assessment.
3. The listing of national reports to the main conventions at the IAEA web site is reasonable but attention is needed as it is regarded as an indicator for transparency.

Table 7: Overview of Ratification of relevant Conventions and Treaties, use of Peer Review missions, and transparency on national reports

| Countries | CNS | JC | CPPNM | NPT | OSART Missions | IRRS Mis-sions | INIR Mission (a/ b) | CNS / JC National Reports Latest years, (total) |
|-------------------------------|------|------|-------|------|----------------------|----------------|---------------------|---|
| | | | | | (last 7 years/total) | | | |
| Argentina | 1994 | 1997 | 1989 | 1995 | -/2 | - | | 2017, 2014, (8) |
| Armenia | 1994 | 2013 | 1993 | 1993 | 2/2 | 1/1 | | 2012, 2011, (4) |
| Azerbaijan | - | - | 2004 | 1992 | - | - | | |
| Belarus | 1998 | 1999 | 1993 | 1993 | - | 1/1* | 1 (a) | |
| Bosnia and Herzegovina | 2010 | 2012 | 1992 | 1994 | - | - | | |
| Brazil | 1998 | 1997 | 1987 | 1998 | 4/12 | - | | 2014, 2012, (7) |
| China | 1994 | 2006 | 1989 | 1992 | 4/20 | 2/2 | | 2014, 2012, (7) |
| Egypt | 1994 | - | - | 1968 | - | - | | |
| Georgia | - | 2009 | 2006 | 1994 | - | - | | |
| Indonesia | 1994 | 1997 | 1987 | 1970 | - | 1/1 | 1 (a) | |
| Iraq | - | - | 2014 | 1968 | - | - | | |
| Iran | - | - | - | 1968 | - | 1/1 | | |
| Jordan | 1994 | 2016 | 2009 | 1968 | - | 1/1 | 1/2 | |
| Kazakhstan | 1996 | 1997 | 2005 | 1994 | -/1 | 2/2* | | |
| Kyrgyzstan | - | 2006 | 2015 | 1994 | - | - | | |
| Malawi | - | - | 2014 | 1986 | - | - | | |
| Mexico | 1994 | - | 1988 | 1968 | 2/7 | -/1 | | 2014, 2011, (6) |
| Mongolia | - | - | 1987 | 1968 | - | - | | |
| Morocco | 1994 | 1997 | 2002 | 1968 | - | - | 1/- | |
| Namibia | - | - | 2002 | 1992 | - | -/1 | | |
| Philippines | 1994 | 1998 | 1987 | 1968 | -/2 | - | | |
| Republic of Moldova | 1998 | 2010 | 1998 | 1994 | - | 1/1* | | |
| Russian Federation | 1994 | 1999 | 1987 | 1968 | 6/15 | 2/2 | | 2014, 2012, (5) |
| Serbia | - | - | 1992 | 2006 | - | - | | |
| Tajikistan | - | 2007 | 1996 | 1995 | - | - | | |
| Tanzania (United Republic of) | - | - | 2006 | 1991 | - | 1/1 | | |
| Turkey | 1994 | - | 1987 | 1969 | - | - | -/1 | 2014, (1) |
| Turkmenistan | - | - | 2005 | 1994 | - | - | | |
| Ukraine | 1994 | 1997 | 1993 | 1994 | 5/23 | 1/2 | | 2008, 2005, (3) |
| Uzbekistan | - | 2009 | 1998 | 1992 | - | - | | |
| Vietnam | 2010 | 2013 | 2012 | 1982 | - | 2/2 | 1/2 | |
| Zambia | - | - | 2016 | 1991 | - | - | | |

| EU member states | | | | | | | | |
|-----------------------|------|------|------|------|-------|------|-----|-----------------|
| Austria | 1994 | 1998 | 1989 | 1968 | - | - | | 2014, 2012, (7) |
| Belgium | 1994 | 1997 | 1991 | 1968 | 3/4 | 1/1 | | 2014, 2011, (5) |
| Bulgaria | 1994 | 1998 | 1987 | 1968 | 2/9 | 2/2 | | 2014, 2012, (7) |
| Croatia | 1995 | 1998 | 1991 | 1992 | - | 1/1 | | 2014, 2011, (6) |
| Cyprus | 1999 | 2009 | 1998 | 1968 | - | - | | |
| Czech Republic | 1994 | 1997 | 1993 | 1993 | 6/18 | 1/1 | | 2017, 2014, (8) |
| Denmark | 1994 | 1998 | 1991 | 1968 | - | - | | |
| Estonia | 2006 | 2001 | 1994 | 1992 | - | 1/1* | | 2014, 2012, (4) |
| Finland | 1994 | 1997 | 1989 | 1968 | -/4 | 2/2 | | 2014, 2012, (7) |
| France | 1994 | 1997 | 1991 | 1992 | 15/49 | 2/3 | | 2017, 2014, (7) |
| Germany | 1994 | 1997 | 1991 | 1969 | 1/9 | 1/2 | | 2017, 2014, (8) |
| Greece | 1994 | 1998 | 1991 | 1968 | - | 1/1 | | 2017, 2014, (3) |
| Hungary | 1994 | 1997 | 1987 | 1968 | 1/5 | 2/2 | | 2017, 2014, (8) |
| Ireland | 1994 | 1997 | 1991 | 1968 | - | 1/1 | | 2014, 2012, (6) |
| Italy | 1994 | 1998 | 1991 | 1969 | -/3 | 1/1* | | 2014, (1) |
| Latvia | 1996 | 2000 | 2002 | 1992 | - | - | | 2005, 2002, (3) |
| Lithuania | 1995 | 1997 | 1994 | 1991 | -/4 | 1/1 | | 2014, 2011, (6) |
| Luxemburg | 1994 | 1997 | 1991 | 1968 | - | 1/1* | | 2014, 2011, (4) |
| Malta | 2007 | 2013 | 2003 | 1969 | - | 1/1 | | |
| Netherlands | 1994 | 1999 | 1991 | 1968 | 1/6 | 1/1 | | 2014, 2012, (7) |
| Poland | 1994 | 1997 | 1987 | 1968 | -/1 | 1/1 | 1/1 | 2017, 2014, (4) |
| Portugal | 1994 | 2009 | 1991 | 1977 | - | - | | 2017, 2012, (2) |
| Romania | 1994 | 1997 | 1993 | 1968 | -/6 | 2/3* | | 2017, 2014, (5) |
| Slovakia | 1994 | 1997 | 1993 | 1993 | 2/10 | 2/2 | | 2014, 2012, (7) |
| Slovenia | 1994 | 1997 | 1991 | 1992 | -/6 | 2/2 | | 2014, 2012, (7) |
| Spain | 1994 | 1998 | 1991 | 1987 | 2/9 | 1/2 | | 2008, 2005, (4) |
| Sweden | 1994 | 1997 | 1987 | 1968 | 5/14 | 2/2 | | 2017, 2014, (8) |
| United Kingdom | 1994 | 1997 | 1991 | 1968 | 1/7 | 2/3 | | 2014, 2011, (5) |
| Euratom | 2000 | 2005 | 1991 | | | | | 2014, 2012, (7) |

Used acronyms:

| | |
|-------------------------|---|
| CNS: | Convention on Nuclear Safety 1996; signature or deposit whatever is first |
| JC: | Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management |
| CPPNM: | Convention on the Physical Protection of Nuclear Material, though related to the Instrument contributing to Stability and Peace it is closely related to the other conventions as well. |
| NPT: | Treaty on the Non-Proliferation of Nuclear Weapons (signature of the Additional Protocol is checked as this topic requires further analysis). |
| OSART | Operational Safety Review Team mission assessing the operational safety of nuclear power plants. |
| IRRS | Integrated Regulatory Review Services assessing the national regulator. |
| INIR | Integrated Nuclear Infrastructure Review Missions covers the comprehensive infrastructure required for building a nuclear power programme (there is a distinction between a and b missions); . |
| National Reports | Number of national reports listed at the IAEA websites on the CNS and Joint Convention as an indicator of transparency. |

*-includes IRSS planned missions (third quarter 2016, 2017).

Annex 10.1.B

Table 8: Alignment of Union/ Community policies and priorities with INSC-II

| | Reference | Union/ Community Policies and priorities | INSC-II |
|--|---|---|--|
| baseline policies and priorities, Jan. 2014 | | | |
| 1 | Euratom Treaty, Art. 2b and 2e. | <ul style="list-style-type: none"> Establish high safety standards to protect health of workers and public. To make certain nuclear materials are not diverted. | Regulation; specific objectives 1 and 3. |
| 2. | Nuclear Safety Directive 2009. | <ul style="list-style-type: none"> Maintain and promote the continuous improvement of nuclear safety and its regulation. Ensure for a high level of nuclear safety to protect workers and the public against dangers from ionizing radiations from nuclear installations. Information to the public on nuclear safety not jeopardizing security. | Regulation; specific objectives 1 and 3. Missing in INSC-II: Information to public. |
| 3. | Radioactive Waste Directive 2011. | <ul style="list-style-type: none"> Ensuring responsible and safe management of spent fuel and radioactive waste to avoid imposing undue burdens on future generations. Appropriate national arrangements for a high level of safety be provided to protect workers and the general public. Necessary public information and participation be provided while having due regard to security and proprietary information issues. Directive supplements BSS referred to in Article 30 (Euratom Treaty). | Regulation; specific objective 2. Missing in INSC-II: Public information/ participation. |
| 4. | ENSREG Stress Test, extraordinary meeting CNS (2012). | <ul style="list-style-type: none"> Utmost important is ensuring highest possible standards of nuclear safety and emergency preparedness/ response in EU and globally, ...to invite EU neighbouring countries to take part in the stress tests. | Regulation, specific objectives 1 and 2, Geographic priority: neighbourhood. |
| 5. | ENSREG position paper INSC-II (2014) | <ul style="list-style-type: none"> Develop a strong and independent safety authority, Adopt periodic safety reviews and benchmark against WENRA levels, Translated harmonise NS approaches into national legal framework, Invite international peer reviews to promote exchange of experiences, Promote transparency by making available information to the public. Actively participate in international cooperation programmes. | Regulation, specific objectives 1 and 2, Missing in INSC-II: Openness and transparency. |

Sources: reference documents, INSC Regulations and evaluation team elaboration

Table 9: Evolving Union/ Community policies and priorities in relation to INSC-II

| Reference | Union/ Community Policies and priorities | INSC-II |
|--|---|---|
| Evolving challenges and priorities, Jan. 2017 | | |
| Nuclear Safety Directive amendment in 2014 | <p>Introduced Nuclear Safety Objective:</p> <ul style="list-style-type: none"> Nuclear installations avoid: <ul style="list-style-type: none"> (a) early releases requiring immediate off-site emergency measures; (b) large releases requiring protective measures not limited in area / time. National framework ensures the objective applies to new nuclear installations and is used as reference for existing | <p>Specific objective 1</p> <ul style="list-style-type: none"> Emergency response already in INSC-I <p>For new Instrument:</p> <ul style="list-style-type: none"> Pursue new Nuclear Safety Objective Transparency and public involvement. |

| | | |
|---|--|-------------------------------|
| | <p>nuclear installations.</p> <p>Other provisions:</p> <ul style="list-style-type: none"> • Setting up a European system of regular topical peer reviews. • Increased transparency on nuclear safety including public involvement. • Enhanced accident management and on-site emergency preparedness and response, and promoting nuclear safety culture in the workplace. | |
| Iran Deal | Agreement (16 Jan. 2016) by E3/EU+3 with Iran on the Joint Comprehensive Plan of Action (JCPoA). | Specific objective 1, 2 and 3 |
| Management Plan 2016 DG ENER | <p>Aligned with INSC-II: " ... safe and secure use of nuclear energy."</p> <ul style="list-style-type: none"> • R&D and new technologies to increase efficiency and effectiveness of non-proliferation regime [EC support to IAEA and JRC]. • Benchmarks/ best practices to ensure financial viability decommissioning. • Pursue implementing Vienna Declaration (Nuclear Safety Objective) • Support implementation of JCPoA with Iran. | Specific objective 1, 2 and 3 |

Source: Reference documents and Evaluation team elaboration

Annex 10.1.C

Table 10: Reference to CIR requirements and cross cutting priorities in INSC-II Action Documents

| CIR Cross-cutting topics | Assessment by Evaluation Team⁹³ | | | |
|--|---|------|------|--------|
| Nationality and origin rules | Exceptions are highlighted | | | |
| Promoting ownership ⁽¹⁾ | Generally highlighted in design and practice, although with a narrow interpretation of "ownership" criterion | | | |
| Human rights and fundamental freedoms ⁽²⁾ | Sufficient in design and practice, in particular for EU's dual track approach and gender mainstreaming awareness | | | |
| Rule of law and democracy ⁽²⁾ | | | | |
| Financial flexibility | Adequate in design and practice with donor coordination, parallel and joint co-financing, multi-donor funds, etc. Blending not highlighted. | | | |
| Internally, work division | Characterized by high pressure, addressed by a variety of measures. | | | |
| Externally, work division | Coordination with other donors appropriate in design and practice. | | | |
| Visibility ⁽¹⁾ | Sufficient promotion of EU visibility although scope for improvement | | | |
| | 2014 | 2015 | 2016 | 2017 - |

⁹³ See details in Annex 6

| | | | | 6 months |
|--|---------------------------------------|--|---------------------------------|---|
| Markers (from CRIS DAC form) | | | Total - 9 ADs | Total - 11 ADs |
| 1) Participation development/ good governance | | | Significant (9) | Significant (11) |
| 2) Aid to environment ⁽³⁾ | | | Main (1), Significant (2) | Main (2), Significant (2) |
| 3) Gender equality ⁽⁴⁾ | | | | Significant (9) |
| 4) Trade development | Not included in the AD template | | | |
| 5) Reproductive, maternal, new-born and child health | | | Significant (1) | |
| Rio Convention markers: | | | | |
| 6) Biological diversity ⁽⁴⁾ | | | Significant (1) | |
| 7) Combat desertification | | | | |
| 8) Climate change mitigation ⁽⁵⁾ | | | | |
| 9) Climate change adaptation ⁽⁵⁾ | | | | |
| Global Public Goods and Challenges (GPGC) thematic flagship | Not included in the AD template | | Not used | Not used |
| Sustainable Development Goals (SDGs) | | | Not included in AD template | Not included in AD template ⁽⁶⁾ |
| <p>1) Balance between ownership and visibility is delicate; increased ownership may reduce visibility and vice versa.</p> <p>2) An upfront emphasis on human rights, rule of law and democracy may jeopardise an emerging cooperation.</p> <p>3) Several ADs incorporate environmental monitoring or workshops, however the marker is not used.</p> <p>4) Promotion of environmental protection and biodiversity is insufficiently recognised; hence visibility is lacking.</p> <p>5) Although nuclear power can be an asset to reduce carbon dioxide emissions, it is controversial and not addressed.</p> <p>6) Latest template for ADs include the Sustainable Development Goals as well.</p> | | | | |

Source: Evaluation Team comparative analysis of CIR and INSC Regulation

Table 11: Mechanisms and number of consultations to account for partner's needs.

| Mechanisms | |
|---|---|
| For 'new' countries¹⁾ | Exploratory mission, Official Request for Cooperation |
| For all cooperation²⁾ | <p>Commission consults partners twice in establishing the MIP and at a later stage in elaborating the ADs. Dedicate actions for further needs assessments: feasibility studies (for site remediation), safety analysis (for modifications), assessment of future needs (at end of project).</p> <p>More structured mechanisms are beneficial as:</p> <ul style="list-style-type: none"> • Developed regulatory plan/ waste management plan. • Independent review mechanisms IAEA (IRRS, OSART). |
| Others IAEA/ | Needs assessment on training. |

EBRD**Notes:**

- 1) Applies only for new cooperation.
- 2) Applies both to new and continued cooperation.

Source: *Evaluation Team elaboration.*

3. Evaluation Question 3

Annex 10.3 Programme Impact Indicators as listed in MIP

The MIP 2014-2017 present three series of indicators concerning programme impact indicators (see Table 10, programme implementation indicators (see Table 11), and project-specific indicators (see Table 12 as a basis for evaluating the programme. The focus of the present review is on the Regulation and mechanisms rather than on the projects and its output, outcome and impact. Hence evaluating these indicators is not opportune. However, in support of oversight and simplicity, a reduction of the number of programme impact indicators is proposed as shown in Table 9. Principles underlying this reduction with reference to the indicators in Table 9 are:

- A. The preparation for an international peer review is almost equally important as the review and its follow-up as this process generally involves an update of all documents, procedures and management systems. Additionally, the review is assumed to bring benefits to the operation or regulatory functioning for an estimated period of 3 years.
- B. The use of self-assessment, key performance indicators for regulatory effectiveness, and periodic safety reviews and assessment are to be considered under one indicator.
- C. Indicators related to strategic planning of the regulator and the radioactive waste management all indicate a structured approach.
- D. New regulatory guides either prepared, approved or endorsed are identified under the same indicator with a scope of 3 years reflecting that the process of endorsement according to partner country systems requires time.

Remaining indicators have less potential for simplification. A shorter set of more comprehensive indicators can support oversight and allows comparing progress against such metrics.

The evaluation of programme implementation indicators in Table 11 requires substantial data. In considering these indicators one has to keep in mind that a truly effective change on the safety culture of the operator (Ukraine case study) requires years of persistent efforts sometimes requiring delays and derogations but with a sustainable result in the end. Too much focus on these indicators may lead to replication of projects being less valuable for a pursued management of change.

The project specific indicators in Table 12 relate to KPIs being project milestones customised to the project under consideration.

Table 12: Proposed **modified** programme impact indicators

| = MODIFIED = PROGRAMME IMPACT INDICATORS | Reference ⁽¹⁾ |
|---|-----------------------------|
| A. Number of partner countries using international peer review to enhance nuclear safety through preparing, conducting, or follow-up. Both Regulator and Operators (reactor, waste management facility). Peer review includes both IAEA, WANO mechanisms but others as well in past 3 years . | 1, 2, 3, 14, 15, 17, 18, 21 |
| B. Number of partner countries enhance regulatory effectiveness systematically ; e.g. periodic safety reviews/ self-assessment/ key performance indicators in past 3 years. | 6, 7, 11 |
| C. Number of partner countries using strategic planning for Nuclear Regulatory Authority (incl. HR) and for Radioactive Waste Management (or decommissioning/ remediation plan). | 4, 5, 16, 19 |
| D. Number of new regulations or regulatory guides prepared/ approved/ endorsed / active used in past 3 years . | 8, 10, 24 |
| E. Number of Regulatory Authority/TSO staff trained in the INSC training & tutoring programmes. | 9 |
| F. Number of feasibility studies and / or Environmental Impact Assessments implemented on rehabilitation of legacy radioactive waste sites (former mines/ processing sites). | 23 |
| G. Reduction of environmental contamination or background dose rate as a result of INSC- Interventions demonstrated through measuring action. | 25, 26 |

| | |
|--|--------|
| H. Milestones achieved for radioactive waste storage facility or uranium mining site remediation plan including (i) EIA accepted, (ii) facility/ plan commissioned, (iii) facility in operation/ plan under implementation with > 1% storage occupied/ remediated. | 28 |
| I. Progress/steps taken in partner countries in the process of signature and ratification of international treaties and conventions related to CNS, Joint Convention, NPT. | 29 |
| J. Safeguards Systems of Accountancy and Control (SAC) established or updated, or regulations for safeguards established. | 30, 31 |

Note: (1) Refers to the indicators in [Table 13](#)

Table 13: Programme impact indicators of MIP 2014-2017

| Proposed PROGRAMME IMPACT INDICATORS in MIP 2014-2017 | |
|--|---|
| Promotion of an effective nuclear safety culture and implementation of the highest nuclear safety standards and radiation protection (Objective 1) | |
| <i>Strengthen the transparency, openness, independence, technical competence and effectiveness of partner country Regulatory Bodies and TSOs (sub-objective 1)</i> | |
| 1. Number of partner countries having taken positive steps in the process of international peer review (e.g. IRRS) of the Regulatory Body/Regulatory Process (1) | A |
| 2. Number of the international peer review missions in partner countries; ratio/increase of the number of missions in successive MIP periods; | A |
| 3. Number of INSC projects specifically addressing issues highlighted in an international peer review mission performed in a Partner Country (these projects should address important internationally recognized deficiencies); | A |
| 4. Number of partner countries having a newly established or periodically updated Strategic Plan of Regulatory Body/TSO development or further development | C |
| 5. Number of INSC projects with new partner countries that include assistance for the development of such Strategic Plans ; | C |
| 6. Number of partner countries having introduced, within the partner Regulatory Body, a regular and routine process of self-assessment ; | B |
| 7. Number of partner countries having introduced, within the partner Regulatory Body, a set of own (possibly specific) key performance indicators for regulatory effectiveness ; | B |
| 8. Number of projects contributing to the completion and/or update of the ' regulatory pyramid ' of documents, or Number of new regulations or regulatory guides prepared/introduced through INSC projects; | D |
| 9. Number of Regulatory Body/TSO staff trained in the INSC technical training programmes, or Ratio (staff trained / total staff of Regulatory Body or TSO) of the national Regulatory Body/TSO staff trained in the INSC technical training programmes; | E |
| 10. Demonstration of the active use of specific INSC project results to improve nuclear safety (formal endorsement / putting into force / commissioning / application by the Partner); | D |
| 11. Number of periodic safety reviews and assessments performed over a specific period; | B |
| 12. Ratio of safety review recommendation implementation (ratio of recommendations implemented to recommendations issued); | - |
| 13. Increase/advancement in quality/time efficiency of actual licensing and supervision processes. | - |
| <i>Specifically, for partner countries embarking on a nuclear power programme the following indicators may be used (in addition to the above):</i> | |
| 14. Positive steps taken to host an international peer review (e.g. INIR) of infrastructure for a nuclear power programme (1); | A |
| 15. Number of projects specifically addressing issues highlighted in international infrastructure peer review missions (these projects should address important internationally recognized deficiencies); | A |
| 16. Number of partner countries having established, within the partner Regulatory Body, a structured and detailed HR development plan at the Regulatory Body. | C |
| Proposed PROGRAMME IMPACT INDICATORS in MIP 2014-2017 | |
| <i>Cooperation with NPP operators in the framework of follow-up measures of the 'stress tests' (Sub-objective 2)</i> | |
| 17. Number of partner countries having established an action plan and implementation schedule for addressing recommendations from the stress tests; | A |

Proposed PROGRAMME IMPACT INDICATORS in MIP 2014-2017

| | |
|--|---------------------------|
| 18. Progress in implementation of the specific actions against the implementation schedule. | A |
| Responsible and safe management of spent fuel and radioactive waste, decommissioning and remediation of former nuclear sites and installations (Objective 2) | |
| 19. Number of partner countries having in place a national policy and strategy, national waste management plan , applicable legislation and a regulatory framework for radioactive waste and spent fuel management, decommissioning, mining, remediation (or number of INSC projects helping to develop any of those aspects) | C |
| 20. Ratio or improvement in number of national strategies/regulatory frameworks , etc. (see above indicator) established in partner countries over a period - comparing all partner countries over different periods (e.g. successive MIPs) or ratio of "successful" partner countries to all partner countries) | too complex |
| 21. Positive steps taken in the process of international peer review of the national provisions for Spent Fuel and Radioactive Waste Management, Decommissioning and Remediation (e.g. the new Integrated Review Service for Radioactive Waste, Spent Fuel, Decommissioning and Remediation to be launched by the IAEA) (1) | A |
| 22. Number of projects specifically addressing issues highlighted in an international radioactive waste peer review mission (these projects should address important internationally recognized deficiencies); | A |
| 23. Number of feasibility studies implemented on the rehabilitation of former mines and/or processing sites or number of feasibility studies that lead to concrete remediation measures (implemented through INSC or otherwise); | F |
| 24. Number/increase ratio of new regulations or regulatory guides on radwaste treatment/mining activities prepared/introduced through INSC projects; | D |
| 25. Environment (water, land) contamination reduction in a specific area (e.g. Chernobyl) due to INSC projects (decrease of surface activity of land or volume activity of fresh water in the area); | G |
| 26. Decrease in the background dose rate in a specific area due to INSC projects; | G |
| 27. Increase of health care capacity in the Chernobyl area (health care programmes established, new medical equipment, medical centre capacity increase etc.); | too specific |
| 28. Efficiency in uranium mining site remediation (increase ratio of sites having on-going real remediation activities to the total number of mining sites being internationally recognized as posing a threat to human health or the environment, etc.); | H |
| Establishment of frameworks and methodologies for the application of efficient and effective safeguards for nuclear material in third countries (Objective 3) | |
| 29. Progress/steps taken in partner countries in the process of signature and ratification of international treaties and conventions related to non-proliferation and safeguards; | I |
| 30. Nuclear material accountancy and control systems established/enhanced in relevant nuclear fuel cycle facilities (absolute number or increase rate over a region and period of time); | J |
| 31. Improvement of existing State or Regional Systems of Accountancy and Control (SAC) – e.g. introduction of new technical means (software applications, computer networks, etc.); | J |
| 32. Number/ratio of countries in a region (e.g. Africa) with newly developed or implemented regulatory framework for nuclear safeguards including natural uranium production and transport compared to the total number of partner countries in the region; | J |
| International cooperation - Indicators of the overall success in promoting international cooperation | |
| 33. The level of compliance of partner countries with the obligations stemming from their signature of conventions and treaties and/or the progress made in this respect; | unfit |
| 34. The amount of shared information and knowledge, the number and quality of reporting and feed-back from projects under the INSC; | Concerns routine approach |
| 35. The visibility of the EU cooperation granted under the INSC achieved as part of the joint global effort of international organisations and other donors. | |
| 36. Coordination with IAEA, ENSREG and other international organisations and partners. | |
| Note: (1) A positive step could be defined as the implementation of any of the following steps: (i) Request for a peer review; (ii) Performance of a related self-assessment; (3) Hosting of a peer review mission; (4) Preparation of an Action Plan for addressing peer review suggestions and recommendations; (5) Hosting of follow-up missions; | |

Table 14: Programme implementation indicators of MIP 2014-2017

| Proposed PROGRAMME IMPLEMENTATION INDICATORS in MIP 2014-2017 |
|---|
| 1. Number of projects approved for implementation per Action Programme (AP) |
| 2. Number of projects completed on time; |
| 3. Number of projects cancelled before contracting; |
| 4. Number of projects cancelled after contracting; |
| 5. Number of contracts needing addendum, derogation, etc.; |
| 6. Project completion rate (per AP) – ratio of completed / total projects in AP; |
| 7. Project cancellation rate (per AP) – ratio of cancelled / total projects in AP; |
| 8. Project Extension rate (per AP) – ratio of extended / total contracted projects in AP; |
| 9. Project success rate (per AP) – ratio of projects fully completed with all deliverables submitted within the schedule implementation period / total contracted projects in AP; |
| 10. Deliverable acceptance rate (percentage deliverable accepted by the EC without comments or deliverables directly satisfying requirements as submitted); |
| 11. Average project preparation time (from approval to contracting); |
| 12. Average project implementation time; |
| 13. Average project budget; |
| 14. Average number of shortlisting applications and tenders received; |
| 15. Ratio of cancelled tender procedures / total tender procedures per AP; |
| 16. Average number of shortlisted candidates. |

Table 15: Project-specific indicators of MIP 2014-2017

| PROJECT-SPECIFIC INDICATORS in MIP 2014-2017 |
|--|
| Project-specific indicators will be defined at the level of individual actions in the Terms of Reference of each project, in particular: |
| <ul style="list-style-type: none"> • Tenderers will be requested to define suitable Key Performance Indicators (KPIs) in their offers, and; • Contractors will be requested to define, implement and measure KPIs during project implementation for monitoring both the success of project implementation as well as the benefits achieved in terms of the objectives of the INSC. |

Table 16: Consideration of cross-cutting issues in 28 ADs of period 2014-2016.

| CIR cross-cutting issue | Number of ADs 2014-2016 consider listed issue | | Percentage of total 28 ADs 2014-2016 |
|--|--|----|---|
| (1) Flexibility/ speed of delivery in contract award procedures | mainly nationality and origin rules - 19 | | 67% |
| (2) Ownership | participation development/ good governance - 21 | | 75% |
| (3) Environmental screening including climate change and biodiversity | climate change/ biodiversity not targeted | 9 | 35%- |
| | environmental protection - 9 | | |
| (4) Human rights and fundamental freedoms | human rights and fundamental freedoms, democracy, rule of law - 21 | 21 | 75% |
| | gender mainstreaming - 8 | | |
| | access disabled persons - 0 | | |
| (5) Effective and efficient implementation methods | use fund and donor coordination – 4 | 6 | 21% |
| | coordination JSO/ ASEAN liaison group - 2 | | |
| (6) Communication and Visibility | generic text - all; 5 ADs more specific -28 | | 100% ^T |

4. Evaluation Question 4

Annex 10.4.A

Table 17. NDEP Support Fund – Contributions by donor

| ENVIRONMENTAL | | NUCLEAR | |
|---------------------------------------|----------------|---------------------------------|--|
| €44M | European Union | €40M | |
| €60M | Russia | | |
| | France | €40M | |
| | Canada | €20M | |
| €26.2M | Sweden | | |
| | United Kingdom | €25.2M | |
| €13M | Germany | €10M | |
| €19M | Finland | €2M | |
| €3.8M | Norway | €16.5M | |
| €10M | Denmark | €1M | |
| | Netherlands | €10M | |
| €1M | Belarus | | |
| | Belgium | €0.5M | |
| TOTAL ENVIRONMENTAL: EUR 177 m | | TOTAL NUCLEAR: EUR 165 m | |
| TOTAL : EUR 342million | | | |

Source: <http://ndep.org/about/partners/contributors/>

Annex 10.4.B Hypothesis

The analysis of the added value of the Instrument allows a counterfactual hypothesis that, in the absence of an Instrument, the needs and priorities currently addressed by the INSC could not be tackled by the individual Member States and or by other Donors:

- The world-wide importance of nuclear safety and the potential transboundary effects as demonstrated by accidents confirmed the need for continued efforts to improve nuclear safety and to reach the highest standards and to encourage third countries to adopt similar high standards. This view is at the basis of the EU interventions in nuclear safety⁹⁴.

⁹⁴ "One of the objectives of the INSC programme was to achieve compliance of beneficiary countries with EU and other relevant international standards. This task requires global approach using expertise available in developed countries which promotes contacts and exchange of know-how among various countries in order to enhance international cooperation at the global level where an important role has been played by the IAEA and other international organizations. Another factor which supports global dimension is related to positive effects of scientific and technical workshops, scientific visits, training courses and confer-

- A 2014 INSC Project Level Evaluation highlights that an INSC structure covering all three levels – global, regional and national - is key to its success⁹⁵. The Instrument requires a global approach with a dissemination of the highest safety standards and transposition of such standards in the national regulatory framework. A regional approach within its global umbrella safety goals supports exchanges, cross-fertilisation and joint projects within regions thereby enhancing the Instrument's efficiency. Finally, the Instrument can consider more in detail the situation in individual countries through a country-approach (for example enhancing the regulatory framework) with actions tailored to specific needs. The focus of INSC-II on the EU's close neighbourhood is illustrated by Map 1, which displays a map of countries supported by the Instrument.
- In the absence of the Instrument, individual EU Member States would not be able to pursue nuclear safety projects at a similar qualitative and quantitative pace as the INSC. Indeed, the EU acts as a "hub" of technical nuclear expertise, which is continuously nurtured and increased through the technical cooperation programmes of the EU, expertise of the Member States (e.g. WG1 ENSREG) and international consultation (e.g. G7/8)⁹⁶. WG1 ENSREG stated in its Response to the Evaluation Survey of December 2016 that *"the INSC provides technical know-how and expertise aimed to strengthen nuclear safety to partner countries that would not, in essence, have access to such knowledge in the absence of the Instrument. Its added value does not only stem from its technical expertise and experience (stress tests methodology), but also from its strong organisational skills allowing to effectively increase safety in a reliable, independent and transparent fashion"*⁹⁷.
- The EU Member States generally lack competences on nuclear safeguards⁹⁸ (except countries for example having spent fuel processing facilities).
- INSC can effectively promote third countries to adopt high standards on nuclear safety and of radioactive waste and spent fuel management as pursued by the EU Nuclear Directives and implemented in the EU Member States. European initiatives as the established WENRA reference levels have inspired IAEA safety standards and used in the INSC, also indirectly fosters nuclear safety for EU citizens⁹⁹. In effect, the Instrument promotes that nuclear installations in the EU's neighbourhood are licensed and reviewed considering the highest safety standards. There are many regions where the EU could not be involved at the same level of intensity as it currently is in the absence of the Instrument. Its highly specialised expertise support effective implementation of INSC projects. Examples are Belarus, Ukraine or Central Asia¹⁰⁰. Also, the Commission's role in directly managing multiple INSC projects allows the results and outputs of an INSC project in one beneficiary country to be used in other countries in the same region¹⁰¹.
- The Survey on EFIs¹⁰² shows that only three out of 81 EU Delegations responded that they had used the INSC (Uzbekistan, Ukraine and Kyrgyzstan). The EU Delegation considered in 100% of these cases that it added value compared to interventions by Member States or other donors/actors (the only other Instrument with the same level

ences." (Europeaid 1297837/C/SER/multi, Lot 1, 2013/331023, Report 3, General recommendations and guidelines regarding the indicators measuring the results of the programme, 9 October 2014, p. 6).

⁹⁵ Ibidem, p. 28.

⁹⁶ WG1 ENSREG holds that the INSC provides technical know-how and expertise aimed to strengthen nuclear safety to partner countries that would not, in essence, have access to such knowledge in the absence of the Instrument. Response to the Evaluation Survey by WG1 ENSREG, December 2016.

⁹⁷ Response to the Evaluation Survey by WG1 ENSREG, December 2016.

⁹⁸ Chapter 7 Euratom Treaty, Article 85 of the Euratom Treaty hence stipulates that any amendments to the safeguards procedures require unanimous approval by the Council after consulting the European Parliament; and ECJ Case 1/78 Draft IAEA Convention on Physical Protection of Nuclear Materials, Facilities and Transports of 14 November 1978, ECR, 2151.

⁹⁹ Interview with Staff DEVCO. Response to the Evaluation Survey by WG1 ENSREG, December 2016.

¹⁰⁰ Interviews with Staff JRC and DEVCO.

¹⁰¹ Europeaid 1297837/C/SER/multi, Lot 1, Request For Services 2013/331023, Report 3, General recommendations and guidelines regarding the indicators measuring the results of the programme, 9 October 2014, p.6.

¹⁰² Survey with 81 Delegations on external financial instruments, October - November 2016, "Chapeau Contract".

of appreciation for added value is IPA)¹⁰³. This shows that the Instrument when used generates a positive perception of added value, notwithstanding its contained size.

- The nuclear technical specificity of the Instrument provides the advantage of sheltering INSC staff from political interference and political influence¹⁰⁴.

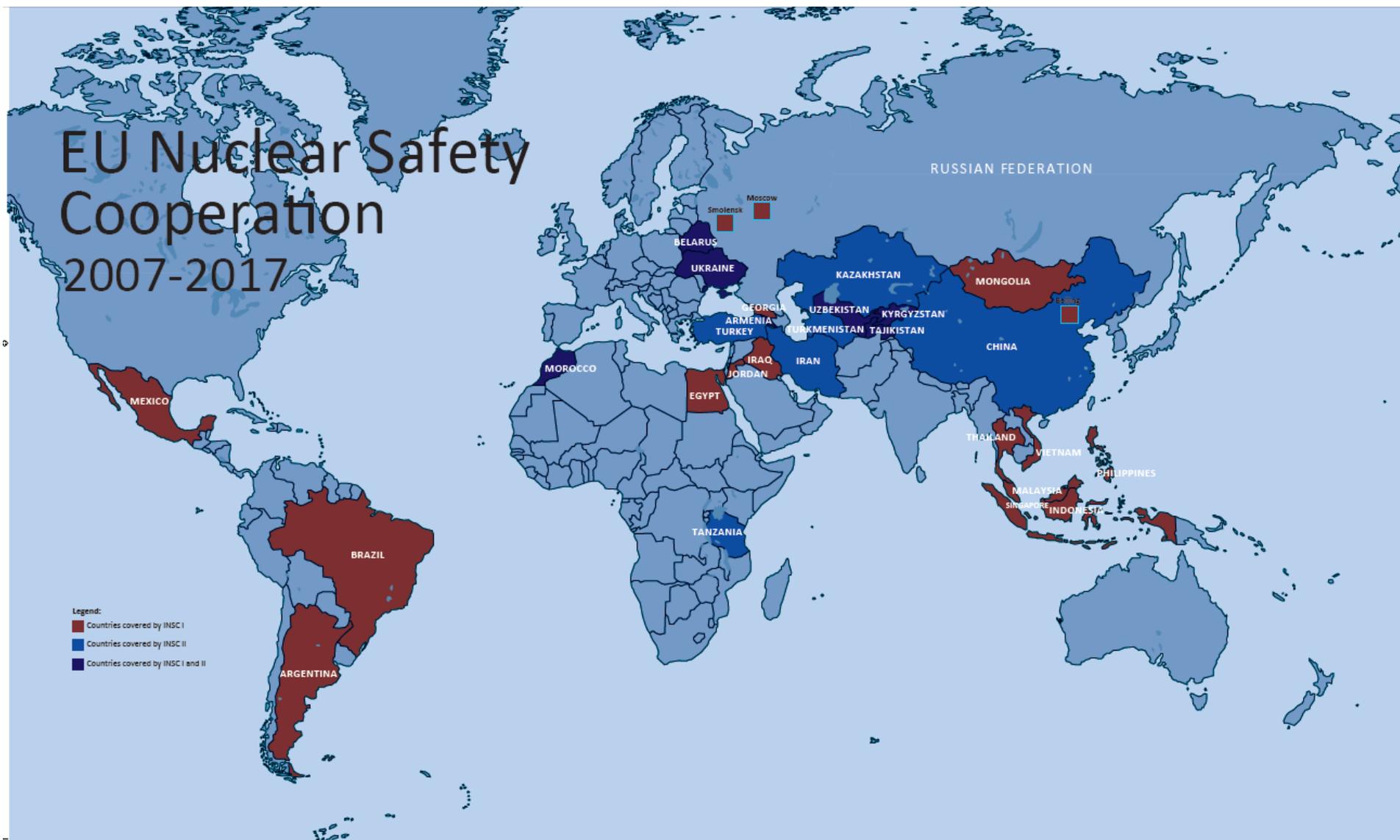
Based on these elements it is possible to conclude that the INSC has a robust “*raison d’être*” as its functions could not be achieved by Member States or other donors.

Annex 10.4.C Map of Countries Supported by the INSC (INSC-I and INSC-II)

¹⁰³ EFI Survey, Part I (Section 4) - Added value.

¹⁰⁴ Interview with Staff of the European Commission.

Map 1. Map of Countries Supported by the INSC (INSC-I + INSC-II)



Source: Elaborated by the team evaluation based on World Nuclear Association's information

5. Evaluation Question 5

Annex 10.5.A Simplified SWOT analysis – hypothetical merging of INSC and IcSP

Technically, a merger of both instruments would be viable.

The following paragraphs describe opportunities and threats related to such hypothesis

Opportunities include:

- (i) Safety and security are very closely linked, especially in safeguards;
- (ii) INSC and IcSP have an identified overlap in their regulations and in practice;
- (iii) A merger with IcSP would allow for more control by the European Parliament, supporting principles of transparency and accountability;
- (iv) Both instruments are managed by the same responsible Unit of the European Commission;
- (v) The different legal basis of the instruments does not pose a legal problem because INSC could be construed under TFEU instead of Euratom;
- (vi) Stakeholders argue that a possible merging with IcSP may avoid the disappearance of a small instrument as INSC;
- (vii) Budget-wise more money would be available to a merged instrument;
- (viii) A merger would further strengthen the existing good levels of coordination and complementarities on a full picture of safety and security;
- (ix) A merger could boost the role of the Centres of Excellence (JRC) set up for IcSP but currently also used for INSC.

The threats identified include:

- (i) Changing the legal basis may entail a risk related to the opening of a debate on pro and anti-nuclear between Member States (see 2011 Study¹⁰⁵);
- (ii) A merger with IcSP will allow for more control by the European Parliament, which could frame and eventually constrain specific INSC actions;
- (iii) INSC centralised management could be at stake, eventually weakening the “grip” over nuclear safety and safeguards issues;
- (iv) The technical specificity of INSC would be diluted in broader dialogues;
- (v) INSC staff would be less sheltered from political pressure and influences (currently possible due to its exclusively technical functions);
- (vi) The Euratom Atomic Question Working Group would lose its control over the INSC; and
- (vii) The 2016 proposal to amend the IcSP Regulation 2016/0207(COD)¹⁰⁶ includes the CBSD initiative (which includes support to military for defence-related purposes) and, if this proposal goes forward, merging INSC with any military for defence purposes would not be viable.

However, a potential INSC/IcSP merger would likely have negative effects on the quality of INSC actions because:

- (i) INSC would be likely to lose its centralised management which is currently positively supporting the instrument performances (see EQ 3) and effectiveness (see EQ 2);
- (ii) the technical specificity of INSC would be diluted in broader dialogues¹⁰⁷; and

¹⁰⁵ Study on Legal Instrument and Lessons Learned from the Evaluations Managed by the Joint Evaluation Unit (Framework contract for Multi-country thematic and regional/country-level strategy evaluation studies and synthesis in the area of external cooperation, Lot 5: Evaluation of EC main policies and strategies in the areas of external cooperation Ref.: EuropeAid/122888/C/SER/Multi - Request for Service: 2010/247813), European Centre for Development Policy Management, consortium of Particip-ADE-DRN-DIE-ECDPMODI, July 2011: “While all other results were of a positive nature, one mixed result suggests that partners are not as convinced as the EU about the need for further institutional development and that the sustainability of the action is therefore not yet assured. Finally, one result was negative by indicating that “EU Member States have very different sensitivities regarding nuclear power production. This has an impact on the ability of the Commission to support nuclear safety in the CIS countries”.

¹⁰⁶ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No. 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace 2016/0207(COD), 5 July 2016, COM(2016)447 final.

¹⁰⁷ Interview with Commission Staff.

- (iii) INSC staff would not be sheltered anymore from political pressure and influences (currently enabled by its exclusively technical nature)¹⁰⁸.

The analysis would support the option to maintain the INSC as a separate instrument. A similar conclusion was voiced by the 2011 Study on Legal Instrument and Lessons Learned from the Evaluations Managed by the Joint Evaluation Unit¹⁰⁹.

Annex 10.5.B In-depth analysis of coherence, consistency, complementarity and synergies (“CCC&S”) between INSC and other EFIs

INSC and IcSP¹¹⁰ - The only instrument for which the evaluation found ample scope for complementarities is IcSP, given the strong link between safety and security (see also EQ 1). The IcSP is governed by the IcSP Regulation¹¹¹ and one of its three objectives is to address specific global and trans-regional threats to peace, international security and stability (Art. 1.4(c) of the IcSP Regulation). The IcSP Regulation further clarifies this objective in Art.5.1: “(a) *threats to law and order, to the security and safety of individuals, to critical infrastructure and to public threats; and (b) mitigation of and preparedness against risks, whether of an intentional, accidental or natural origin, related to chemical, biological, radiological and nuclear materials or agents”.*

It follows from the above that there is a significant convergence between the objectives of the IcSP and the objectives of the INSC, especially as regards nuclear safety and nuclear safeguards.

Both instruments have a different legal basis. The INSC is legally based on Euratom, whereas the IcSP is based on the Treaty for the Functioning of the European Union. Despite the overlap between both Instruments, the Instrument Regulation only contains a general reference to coherence and complementarity between EFIs in their preambles and INSC-II Regulation contains a general statement in its Annex that “*The Commission shall ensure that there is no duplication between the cooperation in the field of safeguards, through the measures which may be undertaken in accordance with Article 3(3) of this Regulation, and cooperation which may take place in the fields of security and non-proliferation under the Instrument contributing to Stability and Peace*”¹¹². The Instrument Regulation and programming documents do not expressly provide for a mechanism to avoid duplication.

Complementarities are facilitated by the institutional set-up and management processes, viz.:

- both instruments are managed by a single unit within the Commission with a central management for INSC and decentralized for IcSP¹¹³;
- both instruments receive technical support from the same DG of the Commission; and

¹⁰⁸ Interview with Commission Staff.

¹⁰⁹ “*The EU is now an experienced and credible actor in the field. There are clearly also continuing issues to be tackled and not all of them will be straightforward. On the basis of the evidence available therefore it appears to be important to maintain an EU budget in this area. No evidence emerged that suggested that changing the scope of the instrument would have advantages. However, because the objective of the instrument is well defined and fairly restricted it has been possible to construct a relatively clear and straightforward logic compared to those of some of the other instruments. This would suggest that it is helpful to retain the INSC in its present form as a separate instrument providing this fits in with the overall design of any future package of instruments*”. (Study on Legal Instrument and Lessons Learned from the Evaluations Managed by the Joint Evaluation Unit (Framework contract for Multi-country thematic and regional/country-level strategy evaluation studies and synthesis in the area of external cooperation, Lot 5: Evaluation of EC main policies and strategies in the areas of external cooperation Ref.: EuropeAid/122888/C/SER/Multi - Request for Service: 2010/247813), European Centre for Development Policy Management, consortium of Particip-ADE-DRN-DIE-ECDPMODI, July 2011).

¹¹⁰ IcSP is an Instrument to support security initiatives (crisis response, crisis preparedness, conflict prevention) and peace-building activities in partner countries. It intends to provide a swift response in political conflicts, complement humanitarian relief and interventions when natural disasters occur, enhance the EU capacity for crisis preparedness, conflict prevention and peace building, and build capacity to address global and trans-regional security threats. The IcSP (2014-2020) replaces the Instrument for Stability (IfS), which had been created in 2007 as a follow up to an earlier Instrument entitled Rapid Reaction Mechanism. IcSP can provide short-term assistance, for example in countries where a crisis is unfolding, or long-term support to global and trans-regional threats.

¹¹¹ Regulation (EU) 230/2014 of the European Parliament and of the Council of 11 March 2014.

¹¹² INSC-II Regulation, Annex, Section 4

¹¹³ The implementation of IcSP actions is typically devolved to EU Delegations located in the concerned third countries. Implementing partners for IcSP actions include NGOs, the UN and other international organisations, EU Member State agencies and regional and sub-regional organisations.

- the Centres of Excellence¹¹⁴ support a coordinated strategy for mitigation and preparedness against risks related to CBRN (chemical, biological, radiological and nuclear) material at international, regional and national levels, as well as synergies between IcSP and INSC¹¹⁵. The Centres of Excellence, although funded by and initially created for IcSP, are used for INSC purposes¹¹⁶.

At project level action documents do not expressly identify measures to avoid duplication or ensure complementarities between both instruments.

The evaluation gathered several examples illustrating an adequate level of complementarities established *de facto* across the two instruments, as for instance a regional project in Tanzania¹¹⁷.

INSC and IPA II¹¹⁸ - There is a limited scope for coordination and complementarities with IPA II with respect to civil society, governance and policy dialogue actions in pre-accession countries engaging in nuclear activities. Whereas during the period 2007-2013 IPA used to provide a one-stop shop for cooperation with pre-accession countries, since 2014 nuclear safety cooperation issues have been transferred to INSC-II. This is in line with Articles 8.1 and 8.4 of the CIR (referred by Article 9 of INSC-II Regulation) and the Annex to INSC-II Regulation which prioritize interventions in the EU neighbourhood. The only countries where IPA and INSC overlap are Turkey and Serbia. From the start of IPA I in 2007 the only activity on nuclear safety in Turkey financed by IPA was a twinning contract (EUR 1.5 million) to provide assistance to the Turkish Atomic Energy Authority (TAEK)¹¹⁹, harmonize nuclear safety legislation in line with the EU nuclear acquis, and focus on gaining EU experience in regulatory functions¹²⁰. Although the twinning project was programmed with France's nuclear safety authorities during IPA, negotiations were still pending in the beginning of 2016. Since nuclear cooperation issues in Turkey have now been shifted to INSC-II (see Turkey EAMR 2015), a separate INSC-II project¹²¹ of the amount of EUR 3 million has been programmed to build on and complement the activities of the IPA Twinning Project. In Serbia the Commission initiated in 2008, under the IPA I Programme on Nuclear Safety and Radiation Protection, a nuclear waste management programme to contribute to support for the Vinča Research Reactor near Belgrade¹²². Given that nuclear safety cooperation has thus far been relatively unsuccessful in the Pre-Accession countries (a slow take-off in Turkey and aborted in Serbia) we recommend that complementarities between INSC and IPA be reinforced to improve nuclear safety cooperation.

¹¹⁴ <http://www.cbrn-coe.eu/> The European Union Chemical Biological Radiological and Nuclear Risk Mitigation Centres of Excellence Initiative (or EU CBRN CoE) was launched in response to the need to strengthen the institutional capacity of countries outside the EU to mitigate CBRN risks. These risks may be created intentionally (e.g. the Sarin attack on the Japanese subway), accidentally (e.g. Bhopal) or naturally (e.g. swine flu).

¹¹⁵ This is a capacity building initiative which relies on a solid basis of trust to be created between partner countries. It is based on a bottom-up identification of priorities, which contributes to developing a sense of ownership by our partners towards the activities which are funded by the EU; the discussion of the needs and priorities for each country is performed by the Commission using a developed integrated CBRN Needs Assessment Questionnaire. The results are to lead to a tailored CBRN National Action Plan.

¹¹⁶ Interviews with the Staff of the European Commission.

¹¹⁷ A regional INSC project to ensure safe transport of nuclear waste from Tanzania through Malawi and Zambia to Namibia pursuant to the opening of a Tanzanian uranium mine is carried out jointly by INSC, for nuclear safety aspects, and IcSP, for security aspects (as part of a broader project that involves 10 countries with Centres of Excellence and national focal points). Synergies are reached and overlaps are avoided as the Commission manages both projects in the same regions that have been awarded to a single contractor (International Science and Technology Centre of Kazakhstan).

¹¹⁸ IPA II (2014-2020) provides assistance to countries directly in line to become members of the European Union (such as the former Yugoslav Republic of Macedonia, and Turkey) and the Balkan countries (Albania, Serbia, Kosovo, Bosnia-Herzegovina and Montenegro). IPA is managed in a decentralized fashion by the Commission. IPA II replaces IPA I (2007-2013), which replaced various pre-accession Instruments, Phare, ISPA, SAPARD, CARDS, the Turkish pre-accession Instrument and post-accession assistance of 2004-2006 and 2007-2010 for new EU Member States.

¹¹⁹ EuropeAid/ 137-051/IH/ACT/TR, Programme: IPA 2013 Indirect Management mode, Twinning Number: TR 13 IB NS 01; Title: Improvement of Nuclear Safety Regulatory Infrastructure of Turkey.

¹²⁰ Information provided by the Staff of the European Commission.

¹²¹ TK3.01/16 "Support to the Regulatory Authority of Turkey.

¹²² This "VIND Programme" (Vinča Institute Nuclear Decommissioning programme), consisting of 4 projects (VIND I to IV) was managed by the IAEA. However, the projects required extensions and the Commission terminated the some of the projects. VIND II is under implementation since 2010 and continued until September 2016. VIND III and IV were contracted in May 2013 with a duration of 2 years, which expired on 31 March 2015.

INSC and ENI¹²³ - Also for ENI the evaluation revealed scope for complementarities in areas of civil society, governance and policy dialogue in Eastern Partnership countries engaging in nuclear activities (currently Armenia, Belarus, Ukraine and, to a lesser extent, Georgia). In the case of Ukraine, sound coordination has been established between the responsible DGs of the Commission. Since 2009 the European Neighbourhood Policy has an Eastern policy development forum, known as Eastern Partnership, to deepen and strengthen relations between the EU and six Eastern neighbours (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). The Eastern Partnership has a Thematic Platform III entitled “Energy Security Issues”, which states, when defining its scope, that *“establishing and strengthening a regulatory framework for nuclear safety is important to the EU and its partners. Activities offer partner countries the opportunity to participate in nuclear safety stress tests, while being updated by EU experts on developments and legal initiatives relating to nuclear safety and radioactive waste management”*. This thematic Platform III supports two flagship initiatives that could potentially deal with nuclear safety issues: (i) Prevention, Preparedness and Response to natural and man-made Disasters (“PPRD East”), which does not expressly refer to nuclear safety but the contents of which could encompass nuclear safety; and (ii) Energy (electricity networks, gas infrastructure, etc.), which expressly refers to nuclear safety. When implementing the Eastern Partnership through cooperation agreements, three categories have to be distinguished: (i) the cooperation agreements with Belarus and Azerbaijan which do not contain any reference to nuclear safety; (ii) the cooperation agreements with Armenia, Georgia and Moldova which refer to nuclear safety issues, but do not describe the issues as focal sectors; and (iii) the cooperation agreement with Ukraine, which refers to nuclear safety as a focal sector. Yet, although the respective agreements of Armenia, Georgia, Moldova and Ukraine allow for nuclear safety cooperation, such cooperation has not so far occurred during the 2014-2020 period¹²⁴. So far, complementarities between INSC and ENI have been relatively scarce, providing scope for exploring and strengthening synergies between INSC and ENI.

INSC and DCI¹²⁵ - There is a limited scope for coordination with DCI with respect to environmental issues, civil society, governance and policy dialogue actions organized in Central Asian countries.

There are synergies between INSC and DCI in Central Asia, for INSC’s actions to remediate nuclear waste are part of the strategic goals of cooperation in Central Asia, and the Commission’s staff in charge of DCI lacks the necessary expertise to handle uranium legacy issues¹²⁶. According to the Commission, given the importance of waste legacy issues, the centralised management allows the Commission to have direct control on these topics, which is perceived as positive. Collaboration in Central Asia in the context of INSC and DCI works smoothly, with complementarity and without duplication. For example, INSC staff collaborates in civil society platforms set up by DCI in collaboration with local governments. INSC contributes to the political and policy dialogue in Central Asia aimed at strengthening engagement on environmental issues. However, joint visibility actions between INSC and DCI

¹²³ The ENI (2014-2020) is the funding Instrument for European Neighbourhood Policy, which covers cooperation with South Mediterranean countries (Algeria, Egypt, Lebanon, Libya, Jordan, Israel, Morocco, Syria, Tunisia, the occupied Palestinian territory and East neighbourhood countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine) either bilaterally or regionally (in this latter case also Russia is included). It aims to encourage democracy and human rights, sustainable development and the transition towards a market economy in neighbouring countries. The ENI is managed in a decentralized fashion by the European Commission. It follows the European Neighbourhood and Partnership Instrument (“ENPI”), which operated from 2007 to 2013. ENPI itself replaced the MEDA (Euro-Med Partnership), TACIS (Eastern neighbours) and other financial Instruments.

¹²⁴ Interview with Staff ENI Evaluation Team.

¹²⁵ The DCI (2014-2020) covers approximately 47 developing countries in Latin America, South Asia, North and South East Asia, Central Asia, Middle East and South Africa, except the countries eligible for the Pre-Accession Instrument, in addition to two thematic programmes (global public good and challenges; and civil society organisations and local authorities) and a Pan-African programme. In Central Asia, the DCI promotes since 2007 sustainable development, stability and security in all 5 countries in Central Asia and encourages closer regional cooperation between them and with the EU, in line with the strategy for a new partnership with Central Asia (2007, reviewed in 2012). This strategy took EU-Central Asia cooperation, which began in 1991 with TACIS, to the next level. It sets up dialogue – at ministerial level – and cooperation in human rights, education, rule of law, energy, transport, environment and water, trade and economic relations and addressed shared threats and challenges.

¹²⁶ Interview with Staff of the European Commission.

are few and could be improved. Additional complementarities with DCI could be sought and custom-tailored to project needs, as for instance when INSC is seeking to support the socio-economic conditions of local populations, providing access to potable water for the local population potentially affected by uranium mining activities, in which case DCI could provide resources for supporting actions in full synergy with INSC interventions.

Annex 11: Consultation Process following the publication of the draft final report

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ANNEX A – OPEN PUBLIC CONSULTATION

Introduction

The OPC on the INSC evaluation was launched on 7 February 2017, jointly with the OPC of the other EFIs¹²⁷, and lasted for 3 months to end on 8 May 2017.

Summary data show how overall, INSC OPC achieved a reasonable response rate in comparison with the other EFIs, with responses received from a wide range of stakeholders. In total 51 reactions were obtained with 20 reactions from associations and organizations and 11 reactions from public authorities.

Table 18: Response rate to the OPC on EU's EFIs

| | Number of respondents | | Share of total |
|--|-----------------------|-----------|----------------|
| | Total | INSC | |
| Citizen/individual | 8 | 2 | 25% |
| Consultancy | 2 | 1 | 50% |
| EU platform, network, or association | 12 | 7 | 58% |
| Industry, business or workers' organisations | 8 | 5 | 63% |
| Organisation or association | 62 | 20 | 32% |
| Other | 2 | 2 | 100% |
| Public authority | 25 | 11 | 44% |
| Research/academia | 5 | 3 | 60% |
| Total | 124 | 51 | 41% |

Source: Altair Asesores' calculation based on OPC responses received until 8 May 2017.

¹²⁷(https://ec.europa.eu/europeaid/public-consultation-external-financing-instruments-european-union_en)

Summary of OPC contributions on INSC

Question 1: How well do you think the INSC has addressed its objectives?

The main assessment criteria for the evaluation are: relevance; effectiveness, impact and sustainability; efficiency; EU added value; coherence, consistency, complementarity and synergies; and leverage. Feel free to comment on the findings, conclusions or recommendations for any/all of the criteria.

Summary of contributions

A total of 18 relevant contributions were received on OPC Question 1, related to all EQs and tackling all aspects of the INSC Performance Review, i.e. relevance (EQ1); effectiveness, impact and sustainability (EQ2); efficiency (EQ3); EU added value (EQ4); coherence, consistency, complementarity and synergies (EQ5) and leverage (EQ6).

Overall, contributions support the evaluation findings on INSC. The majority of responses provide specific recommendations aligned to conclusions and recommendations set out in the evaluation. They mainly confirm the instrument's monitoring shortcomings (Conclusions C.2.2 and C.3.3) and complement Recommendation 2.4 *Develop a comprehensive results-based monitoring system*.

In addition, some additional improvements beyond the findings of the evaluation are identified (e.g. recommendations on prioritisation of INSC-actions or on the increase of INSC budget). None of the statements contradicts the findings of the evaluation.

Views of public authorities

A total of 6 responses were received from Public Authorities. Overall comments are supportive of evaluation findings and in all 6 responses evaluation findings, conclusions and recommendations are not challenged.

The contributions recommend that the INSC's efficiency should be improved (EQ3). They generally welcome INSC-actions aimed at strengthening the legal framework of neighbouring countries and supports INSC action in countries that face the consequences of the Chernobyl accident.

Some concrete suggestions (EQ1, EQ2, EQ3) are provided:

- (a) Provision of a "complementary contribution" by the beneficiary country as a guarantee;
- (b) Annual communication of all INSC project proposals to the EU Member States in order to allow the latter to make recommendations on the INSC's geographic and thematic prioritisation;
- (c) The Commission should take these recommendations into account and submit the proposals to the group of experts who, in turn, should issue their recommendations;
- (d) Taking all recommendations into account, the INSC Committee should decide which proposals are retained; the process should in any case foresee a consultation of WG1 ENSREG at programming level, even when time constraints render this consultation difficult (e.g. 2018-2020);
- (e) Creation of a streamlined methodology and evaluation framework (similar to other EFIs):
 - Improvement of the action documents ¹²⁸;

¹²⁸ They should contain details on (i) the characteristics of the legislative framework of the beneficiary country, the existence of necessary education for a correct implementation of the envisaged project in the country, the likelihood of approval of the project by the authorities of the country; (ii) the international context of the project, including interventions/financing by other donors (IAEA, EBRD, G7 or third countries); (iii) information on the expected duration of the project (given the multiannual nature of the action documents) and on the interconnection between action documents to allow due monitoring; (iv) budgetary details in case of multiple projects in a single action document; and (v) in case of additional support to a beneficiary country that has already

- Communication of the provisional calendar of the calls for tender to the INSC Committee at the presentation of the annual work plan and regular information in writing to this Committee of the results of the calls for tender;
- Presentation by DEVCO of an evaluation report to the INSC Committee at the end of each project, in line with INSC-II Regulation¹²⁹ ;
- More efficient project management modalities allowing for a bigger impact on the beneficiary countries¹³⁰.

Finally, the unique value added of the INSC (EQ4) is underlined and two recommendations are issued on CC&S (EQ5), namely (i) the INSC should remain a separate instrument, with the legal basis of Euratom and exclusively dedicated to nuclear safety, and should not be merged with the IcSP (strengthening INSC/IcSP links should only be done within the INSC's strict boundaries); and (ii) coordination between the INSC and the IRRS Peer Reviews of the IAEA should be enhanced.

Organisation or association

There were contributions from 2 respondents although their comments have no relevance to the evaluation report.

Industry, business or worker's association

Contributions from 5 stakeholders were received under this category. They converge with the findings of the evaluation. All highlight the relevance, effectiveness and the efficiency of the instrument (EQ1, EQ2, EQ3).

It is stressed that the selection of beneficiary countries should be reviewed in order to maximise the instrument's results (EQ1). It is also stressed that the unique value added of the INSC (EQ4) and provides a set of concrete recommendations¹³¹. The INSC's budgetary cut-back is deplored notwithstanding the fact that the objectives of the instrument remain as ambitious as they were initially. An opinion is issued that the mid-term review of the instrument is disappointing because allocated resources have failed to achieve the instrument's objectives and recommends that more budget be allocated to the INSC.

Moreover, it is recommended that beneficiary third countries be asked to provide a financial contribution to the European Commission in return for INSC assistance. Finally, the INSC's important leverage role is stressed. It is stated that if the INSC were to disappear, this would significantly weaken the Euratom/EU's role in promoting the EU's high safety and regulatory standards world-wide. It also underlines that the INSC provides a basis for political dialogue and promotion of EU priorities at global level, e.g. the Iran Deal on nuclear safety cooperation of 16/1/2016.

benefited from one or more projects financed by the INSC, an appropriate evaluation framework should allow to avoid redundancy.

¹²⁹ Outlining the interest of the project for the Euratom Community, the attainment of the goals pursued in the action document and, where applicable, the difficulties encountered or identified areas for improvement. The evaluation should not be limited to a proper use of the funds.

¹³⁰ Recommendations: (i) to decrease administrative/financial burdens for consortia when the regulators/TSO are known by DEVCO and participated in earlier projects; (ii) to update eligibility criteria to better take account of nuclear security goals and the dissemination of EU expertise; (iii) to update selection criteria for non-key experts at regulatory/TSO level; and (iv) to review standard tender specifications (e.g. on language or hiring local staff).

¹³¹ Recommendations: (i) the prioritization of objectives should be optimised; (ii) the follow-up of project and programming documents should be more transparent; (iii) the interests of the European industry should be considered; (iv) monitoring and assessment mechanisms (project-level evaluation, impact assessment, and assessment of results) should be enforced; (v) tendering procedure should respect set timelines in order to give visibility to bidding organizations in particular for the planning of technical and human resources; (vi) the participation of the European industry to INSC projects together with EU regulators should be further facilitated/extended, in particular in areas where the European industry has a specific expertise, such as nuclear waste management.

Research/academia

Two responses were received under this category. Both praise the relevance of the INSC (EQ1). The relevance of the INSC is underlined in the construction of the Chernobyl's New Confinement.

Citizen/private individuals

One contribution was received. The comment has no relevance to the evaluation report.

Consultancy

One contribution was received, overall converging with the evaluation findings. It provides useful recommendations:

- (i) QSG feedback should be analysed to improve the design of INSC projects;
- (ii) Mechanisms should be created to ensure that JRC's institutional memory is adequately transferred to the other services of the European Commission;
- (iii) Projects' specific objectives and indicators should be formulated to allow for a measurement of cross-cutting issues;
- (iv) TORs should be drafted in a way that binds the beneficiaries of the INSC-projects to timely provide all required information and ensure speed of delivery;
- (v) Joint project implementation (contractor/end-user) should be favoured where possible in order to foster ownership;
- (vi) Cooperation with IAEA should be further improved, especially as regards streamlined project management/monitoring and policy dialogues with the partner countries;
- (vii) A results/outcome-based approach should increase coherence between different INSC projects (e.g. parallel actions benefiting a regulator, on the one hand, and an operator, on the other hand);
- (viii) Partner Country expertise in nuclear safety (acquired through TACIS/INSC) in should be included in new INSC projects in order to promote ownership, facilitate the adoption of changes in "newcomer" countries and foster bilateral cooperation for the benefit of leverage;
- (ix) Training and Tutoring (T&T) projects should be continued as an important (bottom up) element of the INSC's leverage.

Other

One contribution was received. It confirms the findings of the evaluation, in particular the unique added value of the instrument. It adds that the transfer of EU know-how and expertise under the INSC should constantly be updated in accordance with the applicable EU standards and be tested on all applicable installations, including the new generations of reactors. It also favours cooperation between EU regulators and TSOs with a view to harmonising nuclear safety standards.

Response of the Evaluation Team

OPC responses converge toward the instrument evaluation and generally confirm the assessment of the evaluator as regards the findings, the conclusions and the recommendations of the INSC mid-term performance review.

The evaluator agrees that current INSC monitoring, both at instrument level and project level, is inadequate and refers to Conclusions C.2.2 and C.3.3 on monitoring shortcomings, as well as Recommendation 2.4 *Develop a comprehensive results-based monitoring system*.

With respect to a general petition to enhance the INSC's efficiency, the evaluator refers to Recommendation 3 *Reinforcing results delivery*. The evaluator also supports the endorsement of the INSC's unique value added (in line with Conclusion 4), as well as the confirmation of the INSC's role regarding leverage (in line with Conclusion 3.2). On comments that the INSC should be maintained as a separate instrument, the evaluator agrees and refers to

the analysis in Annex 10.5.A of the evaluation, concluding that the INSC should be maintained as a separate instrument. The evaluator fully agrees with the suggestion to enhance coordination between the INSC and the IAEA's IRRS Peer Reviews.

The evaluator welcomes the operational recommendations, which are complementary to the evaluation own Recommendations, e.g. an enhanced involvement of the EU Member States and EU regulators at project and programming level, an enhanced involvement of the INSC Committee in the tendering process, end-of-project results reporting, optimisation of prioritisation, enhanced transparency in project follow-up, etc. However, the evaluator does not endorse recommendations relating to an increased participation of the European industry. This is because the INSC is not aimed at promoting the EU nuclear industry but exclusively aimed at promoting nuclear safety.

With respect to comments on the INSC's budgetary cutback, the evaluator acknowledges the significant reduction of the budget from INSC-I to INSC-II (some 60%) in the evaluation but nevertheless concludes that (i) the INSC's financial resources are adequate to support a performing delivery and evidences that (ii) the EU still offers budget resources for cooperation well beyond the reach of Member States (some EUR 30 million per year).

The international collaboration platforms (IAEA, EBRD, G7, etc.) facilitate co-financing arrangements, which also increase the size of the Instrument. In the G7 context, pledging conferences are held on an ad-hoc basis to the benefit of Chernobyl, at which the European Commission usually pledges substantial amounts that trigger additional pledges by other donors. The evaluator therefore differs with the suggestion that the INSC's mid-term review is disappointing because allocated resources have failed to achieve all the objectives and recommends that more budget be allocated to the INSC. The evaluation's overall Conclusion is, on the contrary, that the instrument fits its purpose well (Conclusion 1). The evaluator key recommendation to develop result orientation and measurability will provide quantifiable evidence of the instrument contributions to its goals.

Concerning the increase of coherence between different INSC projects (e.g. parallel actions benefiting a regulator, on the one hand, and an operator, on the other hand), the evaluator notes that it is unusual that support is provided to operators under INSC-II because of the fact the INSC exclusively promotes nuclear safety and does not promote nuclear energy.

On the comment expressing a need for updating the transfer of EU know-how and expertise, the evaluator is of the opinion that this occurs automatically given that INSC actions are tailor-made for the beneficiary country's proposed project and takes account of the applicable technology. The evaluator also observes that it is highly unlikely that INSC-action will be called upon to ensure nuclear safety of GEN-III or GEN-IV reactor technology. As to comments on cooperation between EU regulators and TSOs to ensure harmonisation of nuclear safety, the evaluator refers to Recommendation 1 *Cooperation of nuclear safety should be pursued and reinforced*. This cooperation should also imply EU cooperation in order to strengthen its transfer of solid know-how and expertise on nuclear safety.

One recommendation supported by different stakeholders is that national contributions to nuclear safety programmes should be sought to increase ownership. The evaluator fully agrees with this approach, as this measure would not only strengthen ownership, but also favours sustainability while leveraging additional resources to support nuclear safety goals.

Question 2: Do you consider that concentration on accession countries and countries in the European neighbourhood area is appropriate? Please give reasons to support your view

Summary of contributions

A total of 13 relevant responses have been addressing OPC Question 2 which relates to EQ1 on relevance, EQ2 on effectiveness and EQ4 on added value, as well as Conclusion 1.1 of the Draft Final Report.

All contributions support the evaluation finding, without disagreements, that the INSC's focus on accession countries and countries in the European neighbourhood area is appropriate. The reasons invoked are that (i) this is in the interest of the EU and protects the EU from nuclear safety hazards; (ii) these countries are more inclined to successfully cooperate with INSC-actions and absorb/implement INSC know-how; and (iii) at present, the regulatory framework of many of these countries does not comply with the international safety standards.

Some stakeholders (all belong to the category Industry, Business and Workers' Organisations) clarify that, even though it is important that INSC focuses on the European neighbourhood area, its geographical scope should not be reduced to this area but should continue to be of a global nature.

None of the stakeholders seems to contradict this qualified statement by suggesting that the INSC's focus should be limited to accession countries and countries in the European neighbourhood area. In other words, priority to the European neighbourhood should not obstruct the instrument's global reach.

One comment highlights in this context that the INSC's unique value added enables it to secure a global reach.

Views of public authorities

A total of 3 responses were received from Public Authorities. Evaluation findings, conclusions and recommendations are not challenged and all comments stress the key role played by INSC in strengthening nuclear safety in the European neighbourhood area, thus converging with the evaluation finding to concentrate on accession countries and countries in the European neighbourhood area.

All contributions highlight that, given the geographic proximity, an accident in a European neighbouring country is very likely to affect the European territory and that, therefore, improving nuclear safety in the European neighbourhood contributes to an enhanced radiation protection in the EU against accidents in third countries.

The INSC is recommended to continue strengthening the legal framework of countries in the European neighbourhood area. A need is highlighted to support an adequate regulatory framework for the licensing or first construction of new nuclear power plants, the long-term operation of nuclear power plants and nuclear waste management. The need to support countries facing the consequences of the Chernobyl accident is underlined.

Organisation or association

The contributions from the 2 respondents under this category support the evaluation finding that the INSC's concentration on accession countries and countries in the European neighbourhood area is appropriate. In particular, they recognize the relevance of nuclear safety in accession countries and countries of the European neighbourhood area for Europe's own

nuclear safety and underline these countries' tight cooperation links with the European Union.

Industry, business or worker's association

Contributions from 4 stakeholders were received under this category. Importantly, all contributions stress that, even though it is important that the INSC focuses on the European neighbourhood area, its geographical scope should not be confined to this area but should continue to be of a global nature. In other words, the instrument's priority for the European neighbourhood should not obstruct the instrument's global approach. Also, when the instrument extends its scope outside of the European neighbourhood area, this should imply close coordination with other donors.

Geographically, when underlining the INSC's adequate support in the European neighbourhood area, the following countries are highlighted: Ukraine and Armenia. When underlining the INSC's adequate support at a global level, the following regions are highlighted: Africa, the Middle East, South East Asia, Central Asia (Kirgizstan) and Latin America (Brazil and Argentina).

The INSC's unique added value to engagement in nuclear safety cooperation with third countries is underlined (EQ4). Indeed, the INSC's key role is highlighted in disseminating a European safety culture and European solutions for the management of radioactive waste and spent fuels world-wide. It is commented that, on the one hand, the INSC enables the European Union, with a mature nuclear industry and a leading Euratom regulatory framework, to cooperate with third countries in order to ensure that their nuclear activities are in line with the highest standards of nuclear safety and security, and that, on the other hand, the INSC enables Euratom to participate in joint actions with the IAEA.

Research/academia

One response was received under this category. It converges with the evaluation finding that INSC's focus on accession countries and countries of the European neighbourhood area is appropriate. It highlights that nuclear accidents pose very high safety concerns and that radiation is not contained by borders.

Citizen/private individuals

One short comment confirming that the INSC's concentration on accession countries and countries of the European neighbourhood area adequately increases the INSC's impact in those countries.

Consultancy

One contribution was received. It converges with the evaluation finding and highlights that the INSC's focus on accession countries and countries of the European neighbourhood area is particularly important because of the ageing, obsolete equipment used in nuclear power and nuclear waste disposal infrastructure in the Newly Independent States (NIS), whose regulatory structures do not meet international safety standards. It adds that the NIS' dependence on nuclear energy is likely to continue and even to increase due to an economic and political impossibility to diversify their energy mix. It identifies this as a commercial opportunity for the EU industry and recommends that the latter seeks support from countries in the Eastern European neighbourhood that have already developed some nuclear safety experience, such as Ukraine. It also links the INSC to the IcSP by stating that INSC should give a priority to countries that support EU security and peace-building policies and quotes Jordan as an example.

Finally, it notes that the INSC's focus on accession countries and countries of the European neighbourhood area has decreased since 2013 and draws the attention to INSC actions in China, South-East Asia, Tanzania and Iraq.

Other

One contribution was received. It is in agreement with the evaluation finding that it is appropriate that the INSC focuses on accession countries and countries of the European neighbourhood area, given that this focus corresponds with the interests of the EU and Euratom Community. It adds that INSC-cooperation outside this area is legitimate if it serves EU interests.

Response of the Evaluation Team

OPC responses converge toward the instrument evaluation and confirm the assessment of the evaluator on the appropriateness of the INSC's concentration on accession countries and countries in the European neighbourhood area.

Key is the qualified statement which emphasize that the INSC's priority to accession countries and the European neighbourhood area should not obstruct the instrument's global reach. This statement is fully in line with the evaluator's assessment. The evaluator approves the instrument's focus on its close neighbourhood but emphasizes that this should not preclude the INSC's global reach. It stresses the EU's international pivotal role in nuclear safety matters, which is crucial in the light of the global nature of nuclear accidents (see Conclusion C.1.1). In this context, the evaluator fully endorses comments on the unique value added of the INSC which, thanks to its distinctive features, mobilizes a critical mass with specialized know-how and specific expertise in the EU, disseminating the high nuclear safety standards of the EU Member States, and exclusive competences to handle nuclear safeguards under Euratom (see Conclusion C.4).

The evaluator does not endorse an additional comment that "*NIS' dependence on nuclear energy represents a commercial opportunity for the EU industry*" and recommendation that the latter seeks support from countries in the Eastern European neighbourhood with nuclear safety experience, e.g. Ukraine. The issue is not pertinent to the discussion of the instrument and its evaluation. The evaluator stresses that INSC is not aimed at supporting any commercial activities relating to nuclear energy but exclusively aimed at guaranteeing nuclear safety and that INSC-II objectives are typically non-revenue generating activities (waste remediation, regulatory support) with the sole aim of strengthening nuclear safety.

The evaluator does not endorse either an additional suggestion that INSC should prioritize countries that support EU security and peace-building policies, e.g. Jordan. The INSC's eligibility rules are set out in the INSC-II Regulation (adequately referring to CIR) and the evaluator's position is that, even though the link between safety (INSC) and security (IcSP) deserves strengthening, the INSC should be maintained as a separate instrument from IcSP (see Annex 10.5.).

Question 3: If you have any other views on the INSC you would like to share they are welcome here

Summary of contributions

A total of 14 relevant responses have been addressed to "other views" on the INSC. Most contributions support the evaluation findings. Some contributions lack of relevance and were, therefore not taken into account. However most of the responses provide pertinent recommendations with a view to further strengthening the instrument.

Views of public authorities

A total of 3 contributions were received from Public Authorities. The comments stress that the INSC be kept as a separate instrument.

Organisation or association

There was a contribution from one respondent, which does not contradict the evaluation findings but merely recommends that the INSC should not be discriminatory in nature.

Industry, business or worker's association

Contributions from 4 stakeholders were received under this category. All are in agreement with the evaluation findings. It is recommended that the selection criteria for contractors in INSC-projects be not limited to their regulatory experience, but also cover implementation experience in order to improve the execution of projects. A better exploitation of the regional centres of excellence is recommended. It is also stressed that the INSC should be kept separate from security issues and that its budget should be preserved and strengthened.

Research/academia

Two contributions were received under this category, one being irrelevant and one relating to the geographic scope of the INSC, discussed above under Question 2.

Citizen/private individuals

Two comments were received under this category but lacked of relevance to the Instrument evaluation.

Consultancy

One contribution was received. It converges with the evaluation findings and strengthens some of the evaluation's recommendations with additional suggestions: (i) Recommendation 2 should include End-of-Project Results Reporting (to illustrate INSC achievements and continuity of INSC support), allowing for the creation of baselines for further planning; (ii) Recommendation 3 should include tangible targets in terms of cross-cutting issues in INSC project design (e.g. target values for tangible indicators for improved governance, environmental measures, etc.); and (iii) Recommendation 4 ("opening up") should take account of the EU Delegations' frequent reluctance to be involved in INSC projects and their involvement should, hence, be institutionalised, e.g. on INSC leverage (irrespective of the INSC's centralized management, which is appropriate for its objectives).

Other

One contribution was received. It does not challenge the evaluation findings. However, it recommends that the INSC's governance and selection process be improved to allow the INSC to effectively transfer know-how and expertise of EU regulators and TSOs. It also recommends more cooperation between EU regulators and TSOs with a view to harmonising nuclear safety.

Response of the Evaluation Team

OPC responses converge toward the instrument evaluation and confirm the assessment of the evaluator.

On comments that the INSC should be maintained as a separate instrument and should not formally or informally be merged with IcSP, the evaluator refers to Annex 10.5.A.

With respect to the recommendation that the INSC should not discriminate, the evaluator refers to the eligibility criteria of the INSC-II Regulation and CIR. On suggestions relating to Recommendations 2, 3 and 4, the evaluator welcomes these suggestions, which do not contradict the evaluation findings. On the general recommendations to improve INSC's governance and selection process, the evaluator refers to Recommendation 2 *Strengthening measurability and effectiveness*.

ANNEX B – OTHER CONSULTATIONS

Policy Forum for Development: consultation with Civil Society

The Consultation was held on March 23 2017 at the Policy Forum for Development. The consultation offered the opportunity of meeting with a large number of civil society and EC stakeholders; however, the discussion was short and for all the EFIs evaluations the time dedicated was limited to two hours.

The INSC evaluation was presented, following the presentation of the other EFIs evaluations. No comments were specifically addressed to INSC evaluation.

Most of the comments from participants evidenced the need to strengthen the role of Civil Society participation in EU Cooperation.

Technical Seminar with Member States Representatives

On the 27 of March was held a Technical Seminar for Council, European Parliament and Member States in Van Maerlant building in Brussels. Following the presentation of the evaluation findings, conclusions and recommendations there was an exchange with participants. Minutes were taken by the evaluation team and comments recorded for possible adjustments to the report.

Overall participants expressed views favourable with evaluation outcomes and no comment was raised to dispute findings.

Follows a short overview of comments and evaluation responses:

A participant expressed a positive assessment on the SWOT analysis carried out to identify opportunities and constraints of a possible merge of the instrument with the IcSP. The evaluation team evidenced the need to strengthen the nexus between nuclear safety and security across the instrument interventions. However the analysis of whether the instrument should be merged or not goes beyond the scope of the evaluation. The analysis of opportunities and threats clearly evidenced the advantages to maintain the INSC as a separate instrument, also in consideration of the high level of specialization and its specific mandate.

Other comments addressed security issues and the nexus safety - security, and one participant evidenced how security should be an exclusive competence of the Member States. The evaluation team pointed to the specific evaluation recommendation for strengthening the linkage of the instrument with security issues and the need to strengthen existing complementarities and synergies across the INSC and IcSP. The instrument according to the evaluator should be faithful to its mandate and not intervene in security issues while linkages with security should be strengthened.

Questions were also addressed about criteria for selection of beneficiary Countries and geographic scope of the instrument. The evaluation team responded that eligibility criteria are defined by the instrument regulations and have been assessed by the evaluation as relevant and adequately designed.

A comment was made on how to address an improved sustainability of interventions. The evaluation team recommended strengthening sustainability through improved design and analysis of sustainability factors, during design and implementation; also adequate exit strategies need to be developed for each intervention;

A participant enquired about how the evaluation assesses the dialogue with Member States and could Member States play an increased role in the instrument programming. The evalua-

tion team confirmed the finding of an existing structured dialogue and the specific recommendation to strengthen this dialogue and to strengthen the roles of ENSREG Working Group 1 also to support programming and follow-up of the instrument's interventions.

Council Meeting with Delegations of Working Party on Atomic Questions

On 10 April 2017, the evaluator presented the Draft Final Report of the INSC Mid-Term Performance Review to the Working Party on Atomic Questions (WPAQ) of the Council at the Justus Lipsius building.

Most EU Member States (27 out of 28) were attending the meeting. The debate on the INSC concerned a support to maintain (i) the legal basis under Euratom, and (ii) the geographic scope unchanged with focus on neighbourhood and pre-accession countries but including a world-wide coverage.

The INSC has no mandate to seek for compliance of partner countries with provisions of the Convention on Nuclear Safety. However, leading by example by EU Member States is a way forward in this area.

The need for transparency and freely accessible project implementation reports was advocated where further transparency is supported by the evaluation as well as access to concise information on completed projects (access to implementation reports may be difficult due to proprietary and confidentiality issues).

INSC Committee

On 4 May 2017, the evaluator presented the Draft Final Report of the INSC Mid-Term Performance Review to the INSC Committee in Brussels (Borschette). The Member States attending the meeting were Austria, Belgium, Croatia, the Czech Republic, Denmark, France, Italy, Lithuania, Slovakia, Spain and Sweden.

The meeting was presided by DEVCO B5's Head of Unit. Within the INSC Committee, a debate was held on the presentation of the Draft Final Report of the INSC Mid-Term Performance Review.

The debate was centred on the absence of sufficient indicators, on the extent to which it is possible to measure the performance of the INSC, on improving the INSC's public communication, on the methodology of the Mid-Term Performance Review, on the encouragement by INSC to partner countries to ratify international nuclear safety conventions, on ex-Soviet waste management within the INSC and on the appropriateness of a merger between IcSP and INSC.

Annex 12: Consultation process and strategy

Following the finalization of the INSC evaluation draft report in January 2017, the final phase of the evaluation process corresponded to a comprehensive consultation process meant to allow stakeholders to provide views, comments and questions to the evaluation team, and allow that such feedback could inform INSC evaluation.

The objective of the consultation was:

1. To gather feedback from the broadest possible range of stakeholders, including those in beneficiary countries and in the EU Member States, on the emerging conclusions from the evaluations
2. To gather preliminary ideas on the future external financing instruments after the current ones have expired by 31 December 2020.

The consultation process embraced a period of three months, from 7 February to 8 May 2017.

Methodology and consultation mechanisms: The process was designed to target groups of stakeholders specifically interested to the instrument and to the evaluation outcomes, including:

- Broad public, including Member States, Private Sector operators, Civil Society, Institutions and citizens
- Council, European Parliament and Member States
- Civil Society
- Council Working Party on Atomic Questions
- Internal Commission Stakeholders
- Evaluation Teams involved in the assessment of other External Financial Instruments

The Consultation strategy was established in coordination with the other 9 evaluations of the External Financial Instrument. The following paragraphs describe mechanisms and consultation methodologies applied. Mechanisms were tailored to the different respondent groups, ensuring that each group had a relevant platform to access to the evaluation report and opportunity to comment and provide inputs.

Open Public Consultation (OPC): The OPC process was meant to provide a public platform to access to the evaluation document and its findings and provide, to any interested party, the opportunity to react and comment.

The OPC was published on the EU website ¹³² which explicitly invited all stakeholders in beneficiary and EU countries to participate in the consultation, including public national and local authorities, non-governmental organisations, academics, development agencies and bodies, think tanks, consultancies, private sector organisations, development banks and citizens.

For the OPC the INSC evaluation team developed three questions on the INSC, in order to focus the area of discussion to key critical areas of the evaluation (question three allowed to discuss any specific aspect of the evaluation and of the instrument as chosen by respondents).

1. How well do you think the INSC has addressed its objectives? The main assessment criteria for the evaluation are: relevance; effectiveness, impact and sustainability; efficiency; EU added value; coherence, consistency, complementarity and synergies;

¹³² https://ec.europa.eu/europeaid/public-consultation-external-financing-instruments-european-union_en

and leverage. Feel free to comment on the findings, conclusions or recommendations for any/all of the criteria.

2. Do you consider that concentration on accession countries and countries in the European neighbourhood area is appropriate? Please give reasons to support your view.
3. If you have any other views on the INSC you would like to share, they are welcome here.

Responses were brought into a matrix and aggregated by (i) question and (ii) category of respondent, with respondents grouped in nine categories.

The team reviewed responses individually and an OPC report was prepared outlining the evaluation team analysis and how the feedback was going to be taken into account by the evaluation. Most responses supported evaluation findings, with no need for adjustments to the evaluation report.

Council, European Parliament and Member States; A Technical Workshop was organized to present evaluation findings, conclusions and recommendations to this group of stakeholders, allowing a couple of hours exchanges following a slideshow presentation. The evaluation team prepared minutes of the workshop and assessed individual contributions. Also in this case most comments and responses were favourable and supportive to evaluation findings and did not require specific adjustments of the evaluation report.

Civil Society; The Civil Society was consulted as part of a dedicated session of the Policy Development Forum held in Brussels the 23 March 2016. The discussion was common to the 9 EFI external evaluations. The consultation offered the opportunity of meeting with a large number of civil society and EC stakeholders; the discussion was short and for all the EFIs evaluations the time dedicated was limited to two hours. No comments were specifically addressed to INSC evaluation and most of the comments from participants evidenced the need to strengthen the role of Civil Society participation in EU Cooperation.

Council (Working Party on Atomic Questions); On 10 April 2017, the evaluator presented the Draft Final Report to the Working Party on Atomic Questions (WPAQ) of the Council at the Justus Lipsius building. The EU Member States were attending the meeting. The debate on the INSC concerned a support to maintain (i) the legal basis under Euratom, and (ii) the geographic scope unchanged with focus on neighbourhood and pre-accession countries but including a world-wide coverage. The need for transparency and freely accessible project implementation reports was advocated.

INSC Committee; On 4 May 2017, the evaluator presented the Draft Final Report to the INSC Committee in Brussels (Borschette). The Member States attending the meeting were Austria, Belgium, Croatia, the Czech Republic, Denmark, France, Italy, Lithuania, Slovakia, Spain and Sweden. The follow up debate was supporting key evaluation findings on the need to strengthen indicators and monitoring, on building measurability for performances and on the INSC's public communication.

Commission Stakeholders and Evaluation Teams involved in the assessment of other External Financial Instruments; Additional consultation mechanisms involved the EFIs evaluation teams and Commission stakeholders. The meeting with EFIs team allowed to discuss aspects for harmonization, contribution to CIRs and approaches and challenges common to the different evaluations. The Commission highlighted expectations and defined standards for the final reports, to be applied by the 9 evaluations. The sessions considerably oriented and supported the effort of improving the draft into the final report.

Consultation process results: The results of the consultation process are described in Annex 11. The Annex details the feedback from different group of stakeholders including information about converging and diverging views between or within stakeholder groups - as well as between the public and targeted consultations.

Overall the evaluation Team assesses the Consultation Process as relevant and effective; the process proved adequate to provide opportunities of contributions to key stakeholders as well as to the wide public.

The analysis of the consultations evidenced in general a support from respondents to evaluation findings. The process did not dispute findings and neither brought up additional factual evidence to support modifications of findings.

The consultation process and the converging and supporting views of different respondents on the evaluation outcomes have significantly strengthened conclusions and recommendations.

The process contributed as well to strengthen the dialogue around the Instrument. Several responses from the Consultation process supported the evaluation strategic recommendations with relevant and potentially useful operational suggestions on how the instrument could improve its effectiveness.