COMMISSION IMPLEMENTING DECISION

of 12.7.2019

on the Annual Action Programme 2019 for Nuclear Safety Cooperation to be financed from the general budget of the Union
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THE EUROPEAN COMMISSION,

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 Cooperation² (hereinafter referred to as "INSC") and in particular Article 7(1) thereof,

Whereas:

(1) The Commission has adopted the Nuclear Safety Strategy Paper³ 2014-2020 and the Multiannual Indicative Programme for the period 2018-2020⁴, 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 2019 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 envisaged assistance is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 of the Treaty on the Functioning of the European Union (TFEU)⁵.

² OJ L 77, 15.3.2014, p. 109
³ C(2014) 3763 of 13.06.2014
⁴ C(2017) 7254 du 6.11.2017
⁵ www.sanctionsmap.eu. Note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy, the OJ prevails.
(4) The overall objective of the action "Promotion of nuclear safety culture" (Annex 1) is the promotion of an effective nuclear safety culture and implementation of the highest nuclear safety and radiation protection standards in the Eastern Neighborhood countries, Middle East and South-East Asia.

(5) The overall objective of the action "Safe management of nuclear and radioactive wastes and remediation of former nuclear sites" (Annex 2) is to provide support in the safe management of radioactive waste and spent nuclear fuel as well as in environmental remediation of former nuclear sites in Ukraine, Central Asia and Georgia.

(6) The action "Global allocation including support measures 2019 for the INSC management" (Annex 3) includes audits, evaluations, identifications, studies, meetings & communication and any other administrative or technical assistance expenditure that contribute to the sound management of the programme, to the achievement of its expected results and objectives and to the measurement, analysis and reporting on the impact.

(7) In order to implement the Annual Action Programme 2019 it is necessary to adopt a financing decision. Article 110 of Regulation (EU, Euratom) 2018/1046 establishes detailed rules on financing decisions.

(8) Pursuant to Article 4(7) of Regulation (EU) N° 236/2014, indirect management is to be used for the implementation of the programme.

(9) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of Regulation (EU, Euratom) 2018/1046.

To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of Regulation (EU, Euratom) 2018/1046 and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of Regulation (EU, Euratom) 2018/1046 before a contribution agreement can be signed.

(10) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of Regulation (EU, Euratom) 2018/1046.

(11) In order to allow for flexibility in the implementation of the programme, it is appropriate to allow changes which should not be considered substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046.

(12) 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 Regulation (Euratom) No 237/2014.

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6 OJ L 77, 15.3.2014, p. 100
7 Except for the cases of Article 154(6) of Regulation (EU, Euratom) 2018/1046, where the Commission may decide, not to require an ex-ante assessment.
HAS DECIDED AS FOLLOWS:

Article 1
The measure

The Annual Action Programme 2019 for Nuclear Safety Cooperation to be financed from the general budget of the Union, as set out in the Annexes, is adopted.

The programme shall include the following actions:
– Annex 1: Promotion of nuclear safety culture;
– Annex 2: Safe management of spent fuel and radioactive wastes;
– Annex 3: Global allocation including support measures 2019 for the INSC management.

Article 2
Union contribution

The maximum contribution of the European Union authorised by this Decision for the implementation of this Annual Action Programme is set at EUR 32 154 049 to be financed from budget line 21 06 01 of the general budget of the Union for 2019.

The financial contribution provided for in the first paragraph may also cover interest due for late payment.

Article 3
Methods of implementation

Budget-implementation tasks under indirect management may be entrusted to the entities identified in the Annexes 1, 2 and 3, subject to the conclusion of the relevant agreements.

Article 4
Flexibility clause

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 within the meaning of Article 110(5) of Regulation (EU, Euratom) 2018/1046, provided that these changes do not significantly affect the nature and objectives of the actions.
The authorising officer responsible may adopt such non-substantial changes in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 12.7.2019

For the Commissioner
Neven MIMICA
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION