Euratom Law

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Overview

1. Brief historical perspective
2. EU Institutions
3. EU legal order
4. European Union and Euratom Community
5. Euratom Treaty
Brief historical perspective
The initial 3 Communities

• European Coal and Steel Community (1951–2001)
• European Economic Community (1957)
• European Atomic Energy Community (1957)
The EU Institutions

European Parliament

Council of Ministers (Council of the EU)

European Commission

Court of Justice

Court of Auditors

Economic and Social Committee

Committee of the Regions

European Investment Bank

Agencies

European Central Bank
Commission = “Guardian of the Treaties” (including Euratom Treaty)

Art 17 (1) TFEU:
[The Commission] shall ensure the application of the Treaties (...). It shall ensure the application of Union law under the control of the Court of Justice of the European Union.
Hierarchy of legal norms

Primary law
(TEU, TFEU, EA)

Secondary law
(Regulations, Directives, Decisions)

“Soft law“
(Recommendations, opinions, guidelines, communications)
- not legally binding-
EU/EA relationship

Separate legal personalities

European Union (TEU, TFEU)

Common institutions

Euratom (EA)
Legal spheres

Member States' energy law

EU energy law (Art 194 TFEU)

EURATOM nuclear law

Energy
Scope of the Euratom Treaty

The Euratom Treaty only applies to the civil uses of nuclear power – military use is excluded from its scope.
Euratom Treaty objectives

- Promote research
- Uniform nuclear safety standards
- Regular and equitable supply
- Non-diversion of nuclear materials
- Development of external relations
Euratom Treaty - Research

- The Commission - responsible for promoting and facilitating nuclear research in the MS and for complementing it by carrying out a Community research and training programme

- Joint Research Centre and DG RTD

- ITER - ("The Way" in Latin) one of the most ambitious energy projects - the world's largest tokamak – nuclear fusion
Euratom Treaty – Health and safety

Reinforced Euratom legal framework

- Directive 2009/71/Euratom
  Nuclear Safety of nuclear installations
- Directive 2011/70/Euratom
  Spent Fuel and Waste Management
- Directive 2013/51/Euratom
  Euratom Drinking Water Directive
- Directive 2013/59/Euratom
  Basic Safety Standards
- Directive 2014/87/Euratom
  amending Directive 2009/71/Euratom
Euratom Treaty - Investments

- PINC - the EC shall periodically publish illustrative programmes indicating in particular nuclear energy production targets and all the types of investment required for their attainment.

- Article 41 Procedure - Persons and undertakings shall communicate to the Commission investment projects.

  - The Commission shall communicate its views to the Member State concerned.
**Euratom Treaty – Supplies – ESA**

- Euratom Supply Agency (ESA) was created to ensure a regular and equitable supply of nuclear fuels to EU users.

- ESA applies a supply policy based on the principle of equal access of all users to ores and nuclear fuel.

- Exclusive right to conclude supply contracts for nuclear material – ESA co-signature.
Euratom Safeguards – what are they?

- Article 77: "The Commission shall satisfy itself that [...] ores, source materials and special fissile materials are not diverted from their intended uses as declared by the users"

- NOT Nuclear safety:
  Measures to limit the risk of accidents in the operation of nuclear installations (e.g. functioning of technical equipment)

- NOT Nuclear security:
  "The prevention and detection of and response to, theft, sabotage, unauthorised access, illegal transfer or other malicious acts involving nuclear or other radioactive substances or their associated facilities"
Euratom safeguards – how does it work?

• Headquarters - nuclear material accountancy
  - operators have to record all material & report movements to Commission

• On site - compulsory inspections of installations
  - ~1300 in-field inspections per year
  - almost half jointly with IAEA inspectors

• Commission options under Euratom Treaty:
  - start fast-track infringement actions against Member States
  - impose sanctions on nuclear operators
Euratom external relations

Establish relations with other countries and international organisations so as to foster progress in the peaceful uses of nuclear energy by:

- concluding international agreements with third countries
- becoming party to international conventions (e.g. CNS)
- cooperating closely with the UN’s International Atomic Energy Agency and the OECD’s Nuclear Energy Agency
Euratom external relations

Euratom - party to international conventions

- Convention on Nuclear Safety (CNS)
  - Vienna declaration 2015

- Joint Convention (JC)

- Convention on the Physical Protection of Nuclear Materials (CPPNM)
Euratom cooperation with 3rd countries
Bilateral co-operation agreements (in use)

- **USA**
  - 1995

- **AUSTRALIA**
  - 2012

- **UZBEKISTAN**
  - 2004

- **JAPAN**
  - 2006

- **KAZAKHSTAN**
  - 2008

- **CANADA**
  - 1959

- **UKRAINE**
  - 2006
Euratom & IAEA: safeguards cooperation

26 non-nuclear weapon States:

Common obligatory inspections
(∼ 500)

IAEA
International Atomic Energy Agency

2 nuclear weapon States:

Voluntary offer inspections
(∼ 50)
Thank you!