

Discussion Paper on the Euratom Treaty (to coincide with the 50th anniversary of the Treaty in March 2007)

Historical Background

- Created in 1957 as a vehicle towards European integration
- Followed the sectoral integrative approach – pooling of national capabilities and resources for the common good
- Contributed to the creation of a European nuclear market where access to materials and security of supply played an important part
- Euratom Treaty did not oblige EU Member States to use nuclear energy but placed comprehensive requirements, e.g. radioprotection, safeguards, on those who made that choice
- Euratom Treaty forms part of the Constitution for Europe (specific protocol) even though it was not merged into it
- Until now, no major changes have been made to the Euratom Treaty although it has been regularly adapted to other treaty changes and has given rise to a substantial body of secondary legislation that has itself evolved over time

Current Debate

Main Achievements of the Treaty:

- Contributes to the safe use of nuclear power and protection of citizens (Chapter III, Basic Safety Standards, requiring Member States to report on radiation in the environment and methods for measuring, limitation of contamination in foodstuffs, regulation of medical procedures, etc)
- Safeguards fissile materials (Chapter VII, Euratom Safeguards providing a very important and effective role in co-operation with IAEA) ensuring that civil nuclear materials are not diverted for military purposes
- Created a vision for the use of nuclear energy in Europe, exemplified by a far-sighted preamble: “recognizing that nuclear energy represents an essential resource for the development and invigoration of industry”
- Assists diversification of energy supplies and enhances energy security
- Established a European market for nuclear energy in which access to materials and the security of supply play an important role (Chapter VI)
- Ensures an equitable and regular supply of ores and nuclear fuels through monitoring and approval of supply contracts by the Euratom Supply Agency
- Fosters nuclear R&D, e.g. 7th Framework Programme, Joint Research Centre, and encourages the establishment of joint undertakings e.g. JET and ITER, in order to modernise nuclear technology continuously
- The promotion of research and dissemination of research information also contributed to the process of European integration, by supporting the development of a European scientific community

- Enables international nuclear co-operation agreements to be signed, e.g. with USA, Australia, Canada, Uzbekistan, Japan and shortly Kazakhstan
- Euratom Loans have assisted implementation of safety upgrades and decommissioning programmes in CEE countries

Main criticisms of the Treaty:

- Treaty is viewed as obsolete or out of date
- Presented as a promotional instrument not compatible with the Single Energy Market
- Research funding and Euratom loans are seen as giving a financial advantage to the nuclear sector
- Not of much interest to non-nuclear States
- Perceived “democratic deficit”, ie limited role for the European Parliament with no co-decision

Declaration 44, signed by 5 Member States (Germany, Ireland, Austria, Sweden and Hungary) and annexed to the Constitution for Europe, called for a specific Intergovernmental Conference to re-examine the Treaty.

Nuclear industry not favoured over other sectors

No particular financial advantage today:

- Nuclear research: not particularly favoured in Framework programmes
 - since the 4th FP the share granted to Euratom R&D has been reduced from 10% to 7%
 - of the total budget for Euratom proposed for the 7th FP, 90% goes to fusion initiatives and the JRC, leaving only 287 million euros for nuclear fission and radioprotection
 - in comparison, non-nuclear energies are allocated 2,265 million euros in the 7th FP
- Euratom loans
 - today the loans are exclusively devoted to the improvement of safety at installations to the East of Europe

The fact that nuclear power is regulated by the Euratom Treaty does not prevent it from being subject to normal EU competition rules.

Whilst the EP does not have co-decision on Euratom issues, its opinions are taken seriously by the other Institutions and it can exert influence through approval of the Euratom budget. Decisions are taken ultimately by Ministers accountable through their national governments to national parliaments.

Euratom Treaty provides an additional framework of constraints

The Treaty created a legal framework, in addition to international and national ones in various fields, which is constantly evolving through the dynamic interpretation of the European Court of Justice.

- Chapter III: Health protection of the nuclear workers and the general public:
 - Basic safety standards are continuously revised according to advancement of scientific research
 - A prescriptive radiation protection system (authorisation procedures, emergency preparedness)
 - Control of radioactivity in each national territory and control over potential transboundary risks (Article 37)
- Euratom Safeguards system for nuclear materials (Chapter VII)
- Follow-up mechanism regarding nuclear investments (Article 41)
- Euratom Supply Agency requiring notification and/or signature of supply contracts
- Agreements with foreign countries must be notified to the European Parliament

Conclusions

- The Euratom Treaty has established a stable and enduring framework for nuclear activities in EU Member States which has been in place for nearly 50 years
- The Treaty allows each Member State the choice to use or not nuclear energy (there is thus neither obligatory recourse nor disproportionate support for this form of energy)
- Nuclear constitutes today an asset for the European Union within the framework of climate change and security of supply at both the Community and international level
- The European nuclear industry welcomes the opportunity to participate in the debate about the future of the Euratom Treaty, finally in the hands of the Member States
- We acknowledge that there are concerns about the Treaty as well as a strong body of support for the parts of the Treaty that have worked well. In that respect, it should not be ignored that the implementation of the Treaty has demonstrated a large capacity for adaptation to new circumstances and a widening of the scope and activities covered by the Treaty
- It remains to be seen whether the legal difficulties of amending or incorporating the Treaty into the European Constitution will lead to a consensus among the Member States to take the process forward