



Implementation of the CPPNM/A

EURATOM as a Contracting Party

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Background on Euratom

- The Euratom Community - **Euratom** - based on the **Euratom Treaty** (1957) remains **a distinct legal community** from the European Union although the **same Member States** are parties to both communities and they share the same institutions.
- Euratom is **a regional organisation** in the meaning of Article 18(4) of the CPPNM/A.
- Euratom has been **a Contracting Party to CPPNM** since 6 September **1991** and **to CPPNM/A** since 16 December **2015**.

Euratom declaration CPPNM/A

- The CPPNM/A is a **mixed convention**, where the Member States and Euratom have a **shared competence**.
- The CPPNM/A **applies to Euratom except Article 8 to 13 and Article 14(2) and (3)**
 - provisions relating to criminal prosecution and extradition, the matters falling within the jurisdiction of the MSs and therefore not applying to the Community.
 - In addition, the Community is only bound by the arbitration procedure since only states can be parties in cases before the International Court of Justice.

Euratom competence

- **Responsibility for** implementing appropriate **physical protection** measures **rests with the Member States** as it is related to countries' security and defence policies.
- However, the **Euratom has powers** relevant for the implementation of the CPPNM/A, in particular with regards to:
 - **Safeguards**
 - **Nuclear Supplies**
 - **Emergency Preparedness & Response**

Euratom safeguards

- The Euratom Treaty gives the Commission supranational independent power to verify that in the EU **nuclear materials are not diverted from the intended and declared use (i.e. peaceful use) and that agreements with third states and international organisations are complied with.**
- The Commission Regulation No 302/2005 of 8 February 2005 on the application of Euratom safeguards
- The Commission implements nuclear safeguards **jointly with the IAEA** through multilateral **Safeguards Agreements**.
- The Euratom **safeguards = accountancy & control = include also measures of physical protection.**

Euratom safeguards

2018

- More than **590 000 tons** of nuclear materials are under Euratom safeguards in the territory of the European Union.
- More than **130 Euratom inspectors** verified more than **6400 declarations** from users of nuclear materials and performed more than **1300 on-site inspections in 520 places**

Nuclear supplies

- The Euratom Treaty gives the Commission exclusive competence in the field of **nuclear supplies** in both internal and external relations and is responsible for the normal functioning of the nuclear common market.
 - Authorisation of exports of nuclear materials and special fissile materials produced in the Community
 - Conclusion or approval of contracts for supply coming from inside the Community or from outside
- The **physical protection assurances** are obtained under the umbrella agreements covering conclusion of contracts.

Emergency Preparedness & Response

- The primary responsibility of protecting the general public in the event of a nuclear or radiological emergency lies with the MSs.
- The Commission manages Community Urgent Radiological Information Exchange - **ECURIE** system on 24/7 basis
 - All EU MSs and Switzerland, Norway, North Macedonia, Montenegro
 - The MSs inform the Commission when they decide to take measures to protect their population. The Commission then forwards to all MSs this information and ensure they have received it.
- Early Notification & Assistance Conventions (1986)

Euratom research facilities

- Euratom owns nuclear research facilities located at 4 Commission's Joint Research Centre sites (JRC):
 - **Ispra (IT), Geel (BE), Karlsruhe (DE) and Petten (NL)**
- The Commission has an operational responsibility for the physical protection and has to apply the national measures of the physical protection of the state where the facility is located based on the agreements concluded with the local governments.

Review Conference

- CPPNM/A is part of the Community legal structure and Euratom is a party on the same lines as MSs
 - **Implementation by means of close association at the EU level**
- Euratom and MSs call for a **harmonised approach in notifications based on Article 14.1 CPPNM/A**
 - **Now a template available on NUSEC portal**
- **Euratom**, as the contracting party to the CPPNM/A, will implement its obligation **under Article 14.1** and **inform the depositary** (IAEA) **on the Euratom law** giving effect to the Convention before the 2021 CPPNM/A RevConf
- The review of the CPPNM/A and drawing conclusions on its adequacy can only be done based on proper information on its implementation.
 - **Article 14.1 notifications: only 47 out of 118 CPs; 20 EU MSs**

Thank you for your attention