

Open Letter

Seizing the opportunity offered by the German EU presidency for the promised revision of the EURATOM Treaty

On July 1, 2020, Germany will take over the presidency of the Council of the European Union. During the following period, the German Federal Government will direct and coordinate the work of the Council. The organisations and initiatives undersigned expect that the Federal Government will use the Council presidency to achieve an agreement on a concrete timetable for a revision of the EURATOM Treaty, which is overdue.

In their 2018 coalition agreement, the CDU/CSU and SPD government partners stipulated that the EURATOM Treaty had to be "adapted to the necessities of the future regarding the use of nuclear power".¹ The policy paper further stated that in the future "...new nuclear power plants in the EU must not be granted (state) subsidies".² We insist that these stipulations of the coalition agreement fall far too short of what is needed, and we call upon the Federal Government to push for the fastest possible phase-out of nuclear within the EU. What we expect the Federal Government to do at the very least, though, is to bring forward the revision of the EURATOM Treaty, as promised in the coalition agreement, and make it one of its priorities during the German presidency.

The EURATOM Treaty stands in the way of the ecological transformation of the energy infrastructure in the EU member states, thus being in blatant contradiction with the Paris climate goals. In its very preamble the treaty which founded the European Atomic Community explicitly lays down as its objective "to create the conditions for the development of a powerful nuclear industry"³ and nuclear energy is presented as "an indispensable tool for the development and stimulation of the economy and for peaceful progress...".⁴ In a recent decision, the European Court rejected Austria's complaint against the massive state subsidies facilitating the construction of the British Hinkley Point C nuclear power plant, arguing that "neither the rules on state aid nor the Euratom Treaty make technical innovation a precondition"⁵, and that for the member states subsidizing nuclear new build was therefore compatible with the European treaties.

¹ Coalition Agreement: Koalitionsvertrag zwischen CDU, CSU und SPD, Ein neuer Aufbruch für Europa – Eine neue Dynamik für Deutschland – Ein neuer Zusammenhalt für unser Land, 2018, p.141

² Ibid.

³ Ibid.

⁴ CONSOLIDATED VERSION OF THE TREATY FOUNDING THE EUROPEAN ATOMIC COMMUNITY, 2012/C 327/01

⁵ Ibid.

In this decision regarding the new nuclear plant being built at Hinkley Point, the Court of the European Union explicitly refers to the clear pronuclear bias of the EURATOM Treaty. In the Court's press release, it is pointed out that "...the objective of promoting nuclear energy, in particular the objective of creating incentives for the development of new nuclear generating capacity coincides with the aim of the European Atomic Community to facilitate investment in the field of nuclear energy..."⁶. It has never been more urgent than after this verdict for the Federal Government to get into the action mode and launch an overhaul of the EURATOM Treaty within the relevant EU bodies, and indent upon the other member states for this process.

The demand, laid down in the Coalition Agreement, that "...Germany had to make sure it can durably weigh on European reactor safety issues – and can continue to do so after having accomplished its own nuclear phase-out..."⁷, has to be tied up with a concrete demand for phasing out nuclear power. Further demands, such as "...for comprehensive safety reviews..."⁸ and for "...ambitious and binding safety goals in the EU..."⁹, make sense indeed, but have to be linked with a clear demand for the fastest possible shutdown of all nuclear power plants and other nuclear installations in the member states of the Union.

During its European Council presidency in the second half of 2020, we expect from the German Federal Government that it will

- submit concrete proposals for the abrogation or revision of the EURATOM Treaty, so as to put an end to the EU-wide promotion of nuclear power;
- call a Conference of the Parties within the coming 6 months, in order to launch the abrogation or revision process;
- initiate a tightening up of the 2014/87/Euratom Safety Directive, according to which new nuclear power plants, i.e. plants put into operation in 2020 or later, will have to achieve the safety level of modern NPPs (e.g. EPRs) instead of the level required 30 years ago when construction was started (as in the case of Mohovce 3&4 in Slovakia).

We further call on the Federal Government

- to push positively for the earliest possible shutdown of all nuclear power plants in the EU;
- to propose and advocate a new article to be included in the EU treaties, which shall forbid the construction of new nuclear power plants in the member states of the EU.

⁶ Court of the European Union, PRESS RELEASE no. 104/18, Luxemburg, July 12, 2018

⁷ Coalition Agreement between CDU, CSU and SPD, loc. cit., p. 141

⁸ Ibid.

⁹ Ibid.

Signatories (as of June 30, 2020):

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