

Appeal to the Member States of the European Union, the European Parliament and the European Commission to Replace the EURATOM Treaty with a Treaty on Renewable Energies, Energy Efficiency and Energy Saving

For more than sixty years, [the EURATOM Treaty](#) has protected European nuclear power against competition from other energy sources, which is its stated purpose. The Treaty is crucial to the development and preservation of nuclear technology in Europe because of its constitutional and institutional legitimacy and its support mechanisms that help keep nuclear power alive.

Because a sustainable European energy transition must rely on an entirely new and different energy system, we call for constitutional reform that puts in place a stable framework for the long-term deployment of renewables in the European electricity markets. A conference of EU Member States government representatives should be convened as soon as possible in order to initiate a [constitutional amendment procedure](#).

SUCH CONSTITUTIONAL REFORM WOULD REQUIRE THE FOLLOWING MEASURES:

That the EURATOM Treaty be abolished and responsibility for non-proliferation, nuclear safety, radiation protection, dismantling, waste management, cross border collaboration in safety and civil protection, etc. be transferred from EURATOM to other EU institutions in cooperation with [the International Atomic Energy Agency \(IAEA\)](#).

That a strong nuclear liability regime and a real European Nuclear Safety and Security Inspectorate and Authority covering nuclear power plants and temporary as well as final nuclear waste storage under a unified regulatory framework be introduced as an alternative to the IAEA.

That the European Parliament be given co-decision and oversight authority in all basic questions, hitherto related to EURATOM. As it is now, EURATOM is beyond democratic control.

That EURATOM's research budget be integrated into the budgets for other energy technologies in EU's Framework Programmes for Research and Technological Development.

[That the EURATOM Treaty be transformed into a Treaty on Renewable Energies, Energy Efficiency and Energy Saving](#) in order to strengthen legal anchoring of the promotion of renewable energies, energy efficiency and energy saving. In such a treaty, the measures protecting and promoting renewables, energy efficiency and energy saving would enter into force immediately, whereas the parts relating to EURATOM would expire by 2040 at the latest. By means of this reformed Treaty, non-compliance with which may be adjudicated in the European Court of Justice, energy transition requirements and promotion of environmentally friendly forms of energy should

be integrated into all Union policies and activities in the pursuit of a high level of environmental protection.

Such a Treaty on Renewable Energies, Energy Efficiency and Energy Saving should contain rules beyond existing legislation (“added value”) and introduce new institutions, while elevating existing standards and safeguards, which are mostly secondary law or nonbinding, to primary law.

The Treaty should obligate the EU to adopt appropriate measures by defining binding targets at the national as well as the European level to promote energy savings, energy efficiency and achieve a gradual increase in the share of energy from renewable sources in the Union’s energy consumption. Among other things, this would imply obligations of Member States to adopt national action plans and to periodically submit progress reports.

The Treaty should obligate the EU to promote research and innovation in the field of renewable energy, energy efficiency and energy saving and promote the development of the market for renewable energy, energy efficiency and energy saving by supporting collaboration among the Member States and cooperating with third countries and international organisations.

The Treaty should obligate the EU to adopt measures to make the internal energy market more flexible, both on the supply and demand side, in order to prepare the market comprehensively for the integration of renewable energy sources and establish measures for particularly vulnerable consumers.

The Treaty should obligate the EU to take appropriate measures for increased investment in the use of energy from renewable sources, energy efficiency and saving and provide itself with the means necessary to implement the targets and tasks using existing financing instruments

The afore-mentioned Treaty on Renewable Energies, Energy Efficiency and Energy Saving could be the EURATOM Treaty amended so as to provide for expiry of the use of nuclear energy and merged with [the European Energy Transition Protocol](#), proposed by the Austrian government. Other and similar combinations are imaginable. The Protocol, which is to be attached to [the Treaty on European Union](#) and [the Treaty on the Functioning of the European Union](#) as an annex, constitutes a fully prepared treaty draft, based on [the European Energy Union](#) and is already supported by some EU Member States.

EU Member States, the European Parliament and the European Commission should recognise that these options are urgent and should be given a high priority. This would imply that they include them in the dialogue on European constitutional reform as part of the [Conference on the Future of Europe](#). The dialogue should involve civil society, political parties, the academic community, media, NGOs and industry stakeholders.

THE REASONS FOR OUR APPEAL ARE THE FOLLOWING:

None of the measures so far proposed by the European Commission or adopted by the European Council are sufficient to reach the objective of [the Paris Agreement](#) to limit anthropogenic global warming to 1.5° or 2° C above pre-industrial levels. Particularly, implementation of [EU’s new green](#)

[deal](#) would need a framework in primary law in order to be successful in decarbonising EU's energy system, which accounts for more than 75% of EU's greenhouse gas emissions.

Early in 2019, the 28 Member States presented integrated National Energy and Climate Plans for meeting EU's 2030 climate and energy goals on the way to the 2050 Net Zero objective. [All the plans fall short on ambition and credibility](#), and do not describe a robust, Paris-compliant pathway for Europe. Even the highest scoring plans achieve only half the potential, while the EU28 average is at less than a third, because of inadequate targets and insufficient details on the policies and financing needed to move towards net-zero emission economies.

[According to the European Court of Auditors \(ECA\)](#), the EU needs to take significant action to generate more electricity from wind and solar power to meet its targets on renewable energies. Since 2014, there has been a slowdown of the deployment of renewables. ECA calls on the Commission to urge Member States to support further deployment and points out that half of the Member States might not meet their 2020 renewables targets. ECA also warns that the 2030 renewables target of at least 32% may be difficult to achieve in the absence of binding national targets.

Nuclear power is not a realistic solution to the climate crisis or an environmentally sustainable economic activity and should not be classified as such. In terms of greenhouse gases abatement efficiency per euro, particularly energy conservation and deployment of renewables are more effective than nuclear power. Before accounting for meltdown damage and waste storage, a new nuclear power plant costs 2.3 to 7.4 times that of an onshore wind farm (or utility PV farm), takes 5 to 17 years longer between planning and operation, and [produces 9 to 37 times the emissions per unit of electricity generated](#). Furthermore, the systemic impact of nuclear power is an obstacle to the development of ambitious demand side policies and renewable programmes everywhere. The problems facing nuclear power - accidents and proliferation risks, [waste management](#), potential terrorist attacks, etc. - must also be taken into consideration.

The EURATOM Treaty has a significant importance for the development and maintenance of nuclear technology in Europe through its very existence, as well as through the institutional credibility and specific support mechanisms that it provides. The overall intentions of the Treaty can be seen in its preamble and in Article 1, which states that “nuclear energy represents an essential resource for the development and invigoration of industry” and that EURATOM must create the conditions “necessary for the speedy establishment and growth of nuclear industries”. Furthermore, the EURATOM Treaty is not subject to the application of the precautionary principle or of the principles that preventive action should be taken, that environmental damage should be rectified at source or that the polluter should pay.

The EURATOM Treaty is a permanent boost to the economics of the nuclear industry by enabling direct and indirect financial support of nuclear power. Also, there is no decisional power by European Parliament on matters relating to EURATOM and loans for nuclear power can be granted without consulting the Parliament. Half of the EU Member States do not have nuclear power programs, but – because of EURATOM – pay for research and development in the field of fission and fusion. According to [Green Budget Germany](#), EU has spent [13.7 billion euros on the EURATOM program since 1984](#).

Because of the support of nuclear power, particularly renewable energies are put in an unfavourable position. Although the costs of renewable energies are falling, neither the positive externalities of renewables, nor the negative externalities of the competing energy sources are priced in the energy markets, which is detrimental to the growth of renewable energies. Furthermore, past support of nuclear power is already built into nuclear power's infrastructure.

Six EU Member States – Austria, Sweden, Germany, Hungary, Ireland and Denmark – have noted that the EURATOM Treaty has not been substantially amended since its entry into force and needs to be brought up to date. However, the most recent [communication from the European Commission on EURATOM reform](#) falls far short of this demand. Instead, by transformation of the EURATOM Treaty to a Treaty on Renewable Energies, Energy Efficiency and Energy Saving, a safe and orderly expiry of nuclear energy can be linked to a sustainable use of renewable energies. If comprehensive EURATOM reform or abolishment of EURATOM within a reasonable time frame is not possible, [unilateral withdrawal from the EURATOM Treaty](#) by one or more Member States is an option.

Currently, there is no guarantee that decommissioned nuclear power plants will be replaced by renewables. Total fossil gas net imports to EU Member states were approximately the same in 2017 and 2018, but are increasing. In 2018, Member States imported 401 billion cubic meters of fossil gas and Europe is expected to require approximately 45 billion additional cubic meters of gas imports over the next five years. Almost 40 percent of the gas imports originate from Russia. Globally, natural gas represented the [single largest contributor to global energy-use growth in 2018](#), which was yet another record year for natural gas, increasing by 5.3% compared to 2017. By itself, it was responsible for 40% of the increase in total energy use. According to a study by [Energy Watch Group](#), natural gas makes no contribution to climate protection and cannot be labelled as a bridging technology on the way to a sustainable energy system. If methane emissions are considered in addition to carbon dioxide emissions, the switch from coal and oil to natural gas in power plants and heating systems [increases the greenhouse effect of energy consumption by around 40%](#).

Process, politics, strategy and tactics matter: considering that EURATOM is energy-related, it makes political, strategic and tactical sense to include all energy-related proposals for constitutional reform simultaneously in the amendment procedure: the EU needs a new overriding vision in the energy field, which only a treaty on renewables, energy efficiency and energy saving can provide; there is a substantial need for a stable framework for the long-term deployment of renewables; and in a negotiation situation it would make sense to have as many sensible options on the table as possible in pursuing a sustainable green European energy transition.

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