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E-003845/2020

E-003831/2020

E-003946/2020

Answer given by Ms Simson
on behalf of the European Commission
(3.9.2020)

Maintaining the highest level of nuclear safety is a key policy objective for the Commission. In this context, the Commission carefully monitors the complete and adequate implementation of the Nuclear Safety Directive¹ by Member States. By the transposition deadline of 15 August 2017, Spain had only communicated partial transposition measures to the Commission.

A letter of formal notice was sent on 8 June 2018², following which Spain notified additional transposition measures and declared the transposition complete. The Commission closed the infringement case on 25 July 2019. The Commission is currently examining the conformity of the Spanish transposition measures with the requirements of the Directive. It may launch an infringement procedure in case any substantive issues are detected.

The primary responsibility for the safe operation of nuclear power plants (NPPs) lies with the licence holder, under the control of the national regulator that issues the operation licence³. It is for the national regulator to verify that the conditions set for a licence extension, including that delivered following a periodic safety review, are met by the operator.

According to the Euratom Treaty, all investment projects related to replacement or conversion of an installation that fulfil the criteria laid down by the Council⁴ must be notified to the Commission. To date, the Commission has not received notification of any investment project related to the long-term operation of the Almaraz NPP. The Commission is not aware of any recent actions of the Portuguese government to discuss with the Spanish government the early closure of the Almaraz NPP.

¹ Council Directive 2009/71/Euratom of 25.6.2009 as amended by Council Directive 2014/87/Euratom of 8.7.2014.

² Case 2018/2121 (incomplete transposition of the Directive).

³ The operator of the Almaraz NPP intends to invest in safety and security enhancements, following the extension of its operation licence until 2027 (unit 1) and 2028 (unit 2). On 07.05.2020 the CSN (Spanish Nuclear Security Council) informed about the extension of the operation licence with conditions and limitations: https://www.csn.es/noticias-csn/2020/-/asset_publisher/7wHne5sV6dgf/content/el-pleno-del-csn-informa-favorablemente-una-modificacion-de-las-especificaciones-tecnicas-de-funcionamiento-etf-de-la-central-nuclear-de-almaraz; on 25.07.2020 CNAT (Almaraz-Trillo Nuclear Power Plants – the Operator) communicated that the Spanish Ministry for Energy Transition has authorized its operation until 2027-28: <https://www.cnat.es/notpdf/250720%20NI%20AEX%20CNA.pdf>

⁴ See Council Regulation (Euratom) No 2587/1999 of 2 December 1999 defining the investment projects to be communicated to the Commission in accordance with Article 41 of the Treaty establishing the European Atomic Community, OJ L 315, 9.12.1999, p. 1–3.