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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2021/99

of 25 January 2021

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2020

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(6), second subparagraph, point (a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2020/1704 ⁽²⁾, the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2020 (the 'Agreement in the form of an Exchange of Letters') was signed on 15 November 2020.
- (2) The aim of the Agreement in the form of an Exchange of Letters is to enable the Union and the Islamic Republic of Mauritania to continue working together to promote a sustainable fisheries policy and a sound exploitation of fishery resources in Mauritanian waters and to allow Union vessels to fish in those waters.
- (3) The Agreement in the form of an Exchange of Letters should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2020, is hereby approved on behalf of the Union ⁽³⁾.

⁽¹⁾ Approval of 14 December 2020 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2020/1704 of 23 October 2020 on the signing, on behalf of the Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2020 (OJ L 383, 16.11.2020, p. 1).

⁽³⁾ The text of the Agreement in the form of an Exchange of Letters is published in OJ L 383 of 16 November 2020.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in point 6 of the Agreement in the form of an Exchange of Letters ⁽⁴⁾.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 25 January 2021.

For the Council
The President
J. BORRELL FONTELLES

⁽⁴⁾ The date of entry into force of the Agreement in the form of an Exchange of Letters will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COUNCIL REGULATION (Euratom) 2021/100

of 25 January 2021

establishing a dedicated financial programme for the decommissioning of nuclear facilities and the management of radioactive waste, and repealing Regulation (Euratom) No 1368/2013

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) In line with the Rome Declaration of the Leaders of 27 Member States and of the European Council, the European Parliament and the European Commission of 25 March 2017, the Union budget should enable a safe and secure Europe. Nuclear decommissioning programmes have already contributed in this respect and can further contribute. After the shutdown of a nuclear facility, the main positive impact to be achieved is the progressive reduction of radiological risk for the workers, the public and the environment in the Member States concerned as well as in the Union as a whole.
- (2) A dedicated financial programme can bring additional EU added value by becoming a benchmark within the Union for the safe management of technological issues in nuclear decommissioning and the dissemination of knowledge. Financial assistance under such a financial programme should be provided on the basis of an *ex ante* evaluation identifying the specific needs and demonstrating the EU added value, with the aim of supporting the decommissioning of nuclear facilities and the safe management of radioactive waste.
- (3) The activities covered by this Regulation should comply with applicable Union and national law. Financial assistance under this Regulation should remain exceptional, without prejudice to the principles and objectives stemming from Union law on nuclear safety, namely Council Directive 2009/71/Euratom ⁽²⁾, and waste management, namely Council Directive 2011/70/Euratom ⁽³⁾. Pursuant to Articles 4(1) and 7(1) of Directive 2011/70/Euratom, the ultimate responsibility for the safe management of the spent fuel and radioactive waste generated remains with the Member States.
- (4) In accordance with the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union ⁽⁴⁾ annexed to the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union ⁽⁵⁾ ('Treaty of Accession'), Bulgaria committed to the closure of Units 1 and 2 and Units 3 and 4 of the Kozloduy Nuclear Power Plant by 31 December 2002 and 31 December 2006 respectively, and to the subsequent decommissioning of those units. The decommissioning has resulted in a significant financial burden of direct and indirect cost for Bulgaria. In line with its obligations, Bulgaria shut down all units concerned within the respective deadlines.

⁽¹⁾ Opinion of 16 January 2019 (OJ C 411, 27.11.2020, p. 494).

⁽²⁾ Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).

⁽³⁾ Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).

⁽⁴⁾ OJ L 157, 21.6.2005, p. 29.

⁽⁵⁾ OJ L 157, 21.6.2005, p. 11.

- (5) In accordance with Protocol No 9 on unit 1 and unit 2 of the Bohunice V1 nuclear power plant in Slovakia attached to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ⁽⁶⁾ ('Act of Accession'), Slovakia committed itself to the closure of Unit 1 and Unit 2 of the Bohunice V1 Nuclear Power Plant by 31 December 2006 and 31 December 2008 respectively, and to the subsequent decommissioning of those units. The decommissioning has resulted in a significant financial burden of direct and indirect cost for Slovakia. In line with its obligations, Slovakia shut down all units concerned within the respective deadlines.
- (6) In line with their obligations under, respectively, the Treaty of Accession and the Act of Accession, and with Union assistance, Bulgaria and Slovakia have made significant progress towards the decommissioning of the Kozloduy and Bohunice V1 nuclear power plants. Further work is necessary in order to safely achieve the decommissioning end state. Based on the current decommissioning plans, the decommissioning work is scheduled to be completed by the end of 2030 for Kozloduy Nuclear Power Plant and by 2025 for the Bohunice V1 Nuclear Power Plant.
- (7) The Joint Research Centre ('JRC') of the European Commission was established by Article 8 of the Treaty establishing the European Atomic Energy Community ('Euratom Treaty'). In application of that Article, site agreements were signed during the period 1960-1962 between the Community, Germany, Belgium, Italy and the Netherlands. In the cases of Italy and the Netherlands, national nuclear installations were transferred to the Community. An infrastructure geared to nuclear research and comprising new installations was put in place at the four sites. Some of those installations are still in use today, while others have been shut down, in some instances more than 20 years ago, and have mostly become obsolete.
- (8) On the basis of Article 8 of the Euratom Treaty, and pursuant to Article 7 of Directive 2011/70/Euratom, the JRC, as a licence holder, is to manage its historical nuclear liabilities and decommission its nuclear installations that have been shut down in accordance with the relevant national legislation. Accordingly, the Nuclear Decommissioning and Waste Management Programme at the JRC was launched in 1999 with a communication to the European Parliament and the Council, and since then the Commission has provided regular updates on the progress of that programme.
- (9) The Commission has concluded that the best option to satisfy requirements stemming from point (f) of Article 5(1) and Article 7 of Directive 2011/70/Euratom is to pursue a strategy combining decommissioning and waste management activities while initiating the discussions between the JRC and host Member States regarding a potential transfer of the decommissioning and spent fuel and radioactive waste management liabilities in the case of mutual agreements between the Commission and the host Member States. The JRC should provide for and maintain adequate resources to fulfil its obligations with respect to decommissioning and the safety of spent fuel and radioactive waste management.
- (10) This Regulation responds to the needs identified for the Multiannual Financial Framework for the period from 1 January 2021 to 31 December 2027 and lays down a financial envelope for the entire duration of the nuclear decommissioning assistance programmes of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria ('Kozloduy programme') and Units 1 and 2 of the Bohunice V1 Nuclear Power Plant in Slovakia ('Bohunice programme'), and for the decommissioning and spent fuel and radioactive waste management of the Commission's nuclear installations at the JRC sites, namely JRC-Geel in Belgium, JRC-Karlsruhe in Germany, JRC-Ispra in Italy and JRC-Petten in the Netherlands ('JRC decommissioning and waste management programme'). That financial envelope is to constitute the prime reference amount within the meaning of point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽⁷⁾ for the European Parliament and the Council during the annual budgetary procedure.

⁽⁶⁾ OJ L 236, 23.9.2003, p. 33.

⁽⁷⁾ OJ C 373, 20.12.2013, p. 1.

- (11) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁸⁾ (the 'Financial Regulation') applies to the dedicated financial programme for the decommissioning of nuclear facilities and the management of radioactive waste (the 'Programme'). The Financial Regulation lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts.
- (12) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁹⁾, Council Regulations (EC, Euratom) No 2988/95 ⁽¹⁰⁾, (Euratom, EC) No 2185/96 ⁽¹¹⁾ and (EU) 2017/1939 ⁽¹²⁾, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, to the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) has the power to carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.

The European Public Prosecutor's Office (EPPO) is empowered, in accordance with Regulation (EU) 2017/1939, to investigate and prosecute criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council ⁽¹³⁾. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- (13) This Regulation does not prejudice the outcome of any future State aid procedures that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU).
- (14) The amount of the appropriations allocated to the Programme, as well as the programming period and the distribution of funds among the activities, may be reviewed based on the results of the interim and final evaluation reports. It should be possible for additional budgetary flexibility to be obtained by redistributing funds among activities where and when needed, while giving priority to the activities contributing to addressing safety challenges in respect of the decommissioning and radioactive waste management of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria and of Units 1 and 2 of the Bohunice V1 Nuclear Power Plant in Slovakia, without prejudice to other activities carried out under this Regulation and in accordance with the Financial Regulation.
- (15) The Programme should also involve the creation of knowledge and the sharing of experience. Knowledge and experience gained and lessons learnt under the Programme with regard to the nuclear decommissioning process should be disseminated in the Union, in coordination and synergy with the Union programme for decommissioning activities in Lithuania, as such measures bring the greatest EU added value and contribute to the safety of the workers

⁽⁸⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁽⁹⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽¹⁰⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽¹¹⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽¹²⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁽¹³⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

and the general public as well as protection of the environment. The scope, procedure and economic aspects of cooperation should be detailed in the multiannual work programme and could also be subject to agreements between the Member States and/or with the Commission.

- (16) The JRC should facilitate the dissemination of knowledge among different Union stakeholders in a coordinated way, for example by carrying out market analysis, reviews and assessments of knowledge needs in the Union, identifying potential directions for cooperation, interested stakeholders and spheres in which knowledge created in the implementation of the Programme would bring the greatest added value, and developing formats for knowledge sharing. The dissemination of knowledge created should be financed by the JRC. Any Member State should be able to initiate the development of ties and exchanges for knowledge dissemination.
- (17) The decommissioning of the nuclear facilities and radioactive waste management covered by this Regulation should be carried out with recourse to the best available technical expertise, and with due regard to the nature and technological specifications of the installations to be decommissioned, in order to ensure safety and the highest possible efficiency, thus taking into account international best practices.
- (18) Effective monitoring and control of the evolution of the decommissioning process should be ensured by Bulgaria, Slovakia and the Commission in order to assure the highest EU added value of the funding allocated under this Regulation, although the ultimate responsibility for the decommissioning rests with the two Member States concerned. This includes effective measurement of progress and performance, and the enacting of corrective measures where necessary. To that end, a committee with monitoring and information functions should be established and co-chaired by a representative of the Commission and of the Member State concerned. Similarly, a group of independent experts from the Member States appointed by the Commission assists the JRC decommissioning and waste management programme.
- (19) Pursuant to paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁴⁾, the Programme should be evaluated on the basis of information collected in accordance with specific monitoring requirements while avoiding an administrative burden, in particular on Member States, and overregulation. Those requirements, where appropriate, should include measurable indicators as a basis for evaluating the effects of the Programme on the ground.
- (20) The activities under the Kozloduy programme and Bohunice programme should be identified within the boundaries defined by the decommissioning plans submitted by Bulgaria and Slovakia in accordance with Council Regulation (Euratom) No 1368/2013 ⁽¹⁵⁾. Those plans define the scope of those programmes, as well as the decommissioning end states, target dates and end-dates. They also cover the decommissioning activities, their associated schedule, costs and required human resources.
- (21) Activities under the Kozloduy programme and Bohunice programme should be conducted with a joint financial effort of the Union and Bulgaria and Slovakia respectively, in line with the co-financing practice established under the predecessor programmes.
- (22) Regulation (Euratom) No 1368/2013 should therefore be repealed.
- (23) Due account has been taken of the Special Report No 22/2016 of the Court of Auditors entitled 'EU nuclear decommissioning assistance programmes in Lithuania, Bulgaria and Slovakia: some progress made since 2011, but critical challenges ahead'.

⁽¹⁴⁾ OJ L 123, 12.5.2016, p. 1.

⁽¹⁵⁾ Council Regulation (Euratom) No 1368/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia, and repealing Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010 (OJ L 346, 20.12.2013, p. 1).

- (24) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁶⁾.
- (25) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU apply to this Regulation. Those rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 of the TFEU also concern the general regime of conditionality for the protection of the Union's budget.
- (26) The methods of implementation and forms of Union funding laid down in this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the activities and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in point (a) of Article 125(1) of the Financial Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes the dedicated financial programme for the decommissioning of nuclear facilities and management of radioactive waste (the 'Programme') for the period from 1 January 2021 to 31 December 2027, with the focus on needs identified on a current basis. It shall support:
- (a) the safe decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria and Units 1 and 2 of the Bohunice V1 Nuclear Power Plant in Slovakia, including the management of radioactive waste, in line with the needs identified in the respective decommissioning plan; and
- (b) the implementation of the decommissioning process and management of radioactive waste of the Commission's nuclear installations at the Joint Research Centre (JRC) sites, namely JRC-Geel in Belgium, JRC-Karlsruhe in Germany, JRC-Ispra in Italy and JRC-Petten in the Netherlands.
2. This Regulation lays down the objectives of the Programme, its budget for the period from 1 January 2021 to 31 December 2027, the methods of implementation and the forms of Union funding.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'decommissioning' means administrative and technical measures in accordance with national law which allow the removal of some or all of the regulatory controls from a nuclear facility and which aim to ensure the long-term protection of the public and the environment, including the reduction of the levels of residual radionuclides in the materials and on the site of the nuclear facility;

⁽¹⁶⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (2) 'decommissioning plan' means a document that contains detailed information on the proposed decommissioning and covers the following: the selected decommissioning strategy; the schedule, type and sequence of decommissioning activities; the waste management strategy applied, including clearance; the proposed end state; the storage and disposal of the waste from decommissioning; the timeframe for decommissioning; the cost estimates for the completion of decommissioning; and the objectives, expected results, milestones, target dates, as well as the corresponding key performance indicators, including, where appropriate, earned-value-based indicators. The decommissioning plan is prepared by the nuclear facility licence holder and is reflected in the multiannual work programmes of the Programme;
- (3) 'Kozloduy programme' means the part of the Programme that concerns the nuclear decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant, located in Kozloduy, Bulgaria;
- (4) 'Bohunice programme' means the part of the Programme that concerns the nuclear decommissioning of Units 1 and 2 of the Bohunice V1 Nuclear Power Plant, located in Jaslovské Bohunice, Slovakia;
- (5) 'JRC decommissioning and waste management programme' means the part of the Programme that concerns the nuclear decommissioning and radioactive waste management of the Commission's nuclear installations at the JRC sites, namely JRC-Geel in Belgium, JRC-Karlsruhe in Germany, JRC-Ispra in Italy and JRC-Petten in the Netherlands.

Article 3

Objectives of the Programme

1. The general objective of the Programme is to provide funding for the decommissioning of nuclear facilities and the management of radioactive waste, in line with the needs identified in the respective decommissioning plan.
2. On the basis of the current needs for the period from 1 January 2021 to 31 December 2027, the Programme, in addition to creating knowledge with regard to the nuclear decommissioning process and the management of radioactive waste resulting from the decommissioning activities, aims in particular to:
 - (a) assist Bulgaria and Slovakia in implementing the Kozloduy programme and the Bohunice programme respectively, including with regard to the management and storage of radioactive waste in line with the needs identified in the respective decommissioning plan, with specific emphasis on managing the safety challenges in respect thereof; and
 - (b) support the JRC decommissioning and waste management programme.
3. The specific objectives of the Programme are as follows:
 - (a) to carry out the activities included in the respective decommissioning plans, the dismantling and decontamination of Units 1 to 4 of the Kozloduy Nuclear Power Plant and Units 1 and 2 of the Bohunice Nuclear Power Plant, including associated systems, structures and components and auxiliary buildings, the safe management of radioactive waste in line with the needs identified in the respective decommissioning plans, and human resources support; and to pursue the release of Units 1 to 4 of the Kozloduy Nuclear Power Plant and Units 1 and 2 of the Bohunice Nuclear Power Plant from regulatory controls;
 - (b) to support the decommissioning plan and to carry out the activities in accordance with the national law of the host Member State for the dismantling and decontamination of the Commission's nuclear installations at the JRC sites, to carry out the safe management of associated radioactive waste and, when appropriate, to prepare the optional transfer of the related nuclear liabilities from the JRC to the host Member State;
 - (c) for the JRC to develop ties and exchanges among Union stakeholders on nuclear decommissioning, with a view to ensuring the dissemination of knowledge and the sharing of experience in all relevant areas, such as research and innovation, regulation and training, and developing potential Union synergies.

The transfer referred to in point (b) of the first subparagraph shall not be imposed on any host Member State and shall be subject to a mutual bilateral agreement concluded between the Commission and the host Member State. That mutual bilateral agreement shall stipulate that all costs of the decommissioning of the Commission's nuclear installations at the JRC sites and storage of the associated radioactive waste are to be paid by the Union and shall fully comply with Directive 2011/70/Euratom.

4. A detailed description of the specific objectives is set out in Annexes I, II and III. Based on the result of the evaluations carried out in accordance with Article 11, the Commission may amend, by means of implementing acts, Annex I or II, in accordance with the examination procedure referred to in Article 13(2).

Article 4

Budget of the Programme

1. The financial envelope for the implementation of the Programme for the period from 1 January 2021 to 31 December 2027 shall be EUR 466 000 000 in current prices.
2. The distribution of the amount referred to in paragraph 1 shall be broken down in the following categories of expenditure:
 - (a) EUR 63 000 000 for activities under the Kozloduy programme;
 - (b) EUR 55 000 000 for activities under the Bohunice programme;
 - (c) EUR 348 000 000 for activities under the JRC decommissioning and waste management programme, including activities for accomplishing the specific objective laid down in point (c) of Article 3(3).
3. Budgetary flexibility may be obtained by redistributing funds among the activities under the Programme, after the evaluations carried out in accordance with Article 11 and pursuant to the Financial Regulation, while giving priority to the activities contributing to addressing safety challenges in respect of decommissioning and radioactive waste management.
4. The amount referred to in paragraph 1 may cover expenses related to the activities included in the respective decommissioning plans for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems.
5. Budgetary commitments for activities extending over more than one financial year may be broken down over several years into annual instalments.

Article 5

Dissemination of knowledge

1. Knowledge created in the implementation process of the Programme shall be disseminated at the Union level.
2. Activities for accomplishing the activity referred to in paragraph 1 shall be financed under the JRC decommissioning and waste management programme. The JRC shall coordinate the structuring and dissemination of knowledge to Member States.
3. The process of dissemination of knowledge shall be included and defined in the work programmes referred to in Article 9.

Article 6

Methods of implementation and forms of Union funding

1. The Programme shall be implemented under direct management in accordance with the Financial Regulation or under indirect management with entities listed in point (c) of Article 62(1) of the Financial Regulation.
2. Union funding under the Programme may be provided in any form laid down in the Financial Regulation.

*Article 7***Eligible activities**

Only activities implementing the objectives set out in Article 3 shall be eligible for Union funding.

*Article 8***Co-financing rates**

Without prejudice to Article 190(1) of the Financial Regulation, the maximum Union co-financing rate applicable over the period referred to in Article 4(1) of this Regulation shall be no higher than 50 % for the Kozloduy programme and no higher than 50 % for the Bohunice programme. The remaining co-financing shall be provided by Bulgaria and Slovakia respectively. The activities necessary for the dissemination of knowledge referred to in Article 5 of this Regulation shall be funded by the Union at a rate of 100 %.

*Article 9***Work programmes**

1. The Kozloduy programme and the Bohunice programme shall be implemented by multiannual work programmes referred to in Article 110 of the Financial Regulation. The multiannual work programmes shall be adopted in accordance with the procedure referred to in Article 13(2).
2. The JRC decommissioning and waste management programme shall be implemented by multiannual work programmes and shall be adopted in accordance with the procedure set out in Article 4 of Commission Decision 96/282/Euratom ⁽¹⁷⁾.
3. The multiannual work programmes referred to in paragraphs 1 and 2 shall reflect the decommissioning plans that serve as baseline for monitoring and evaluation of the Kozloduy programme and the Bohunice programme.
4. The multiannual work programmes referred to in paragraphs 1 and 2 shall specify the current state, the objectives, the expected results, the related performance indicators and the timeline for the use of funds and shall define the details for the dissemination of knowledge.

*Article 10***Reporting and monitoring**

1. Indicators to report on the progress of the Programme towards the achievement of the objectives set out in Article 3 are laid down in Annex IV.
2. The performance reporting system shall ensure that data for monitoring the implementation and the results of the Programme are collected efficiently, effectively and in a timely manner. To that end, reporting requirements proportionate to the overall costs and Programme-related risks shall be imposed on recipients of Union funds and, where appropriate, on Member States.
3. At the end of each year, the Commission shall draw up a progress report on the implementation of the work carried out in the previous years, including the rate of activities resulting from calls for tenders, and shall present it to the European Parliament and to the Council.

⁽¹⁷⁾ Commission Decision 96/282/Euratom of 10 April 1996 on the reorganization of the Joint Research Centre (OJ L 107, 30.4.1996, p. 12).

*Article 11***Evaluation**

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.
2. The interim evaluation of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the period specified in Article 1(1). The interim evaluation shall also address the scope for modification of the multiannual work programmes referred to in Article 9.
3. At the end of the implementation of the Programme, but no later than five years after the end of the period specified in Article 1(1), a final evaluation of the Programme shall be carried out by the Commission.
4. The Commission shall communicate the conclusions of the evaluations, together with its observations, to the European Parliament and to the Council.

*Article 12***Audits**

Audits on the use of the Union and national contribution carried out by persons or entities, including persons or entities other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance within the meaning of Article 127 of the Financial Regulation.

*Article 13***Committee**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result if, within the time limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

*Article 14***Information, communication and publicity**

1. The recipients of Union funds shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the activities and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.
2. The Commission shall implement information and communication actions relating to the Programme, to activities carried out pursuant to the Programme and to the results obtained.
3. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives set out in Article 3.

*Article 15***Repeal**

Regulation (Euratom) No 1368/2013 is repealed.

*Article 16***Transitional provisions**

1. This Regulation shall not affect the continuation of or modification of the activities initiated pursuant to Regulation (Euratom) No 1368/2013, which shall continue to apply to those activities until their closure.
2. The financial envelope for the Programme may also cover the technical and administrative assistance expenses necessary to ensure the transition between the Kozloduy programme and Bohunice programme and the measures adopted pursuant to Regulation (Euratom) No 1368/2013.
3. If necessary, appropriations may be entered in the Union budget beyond 2027 to cover the expenses provided for in Article 4(3), to enable the management of activities not completed by 31 December 2027.

*Article 17***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 January 2021.

For the Council
The President
J. BORRELL FONTELLES

ANNEX I

Detailed description of the objectives of the Kozloduy programme

1. The general objective of the Kozloduy programme is to assist Bulgaria in managing the safety challenges in respect of the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant. The major safety challenges to be addressed by the Kozloduy programme are:
 - (a) the dismantling and decontamination of the reactors' buildings and components in accordance with the decommissioning plans. Progress made in respect of this objective is to be measured by the quantity and type of materials removed as well as earned value;
 - (b) the safe management of the decommissioning and radioactive waste in line with the needs identified in the respective decommissioning plan and of activated materials and dismantling materials, including their decontamination up to interim storage or to disposal (depending on the waste category), as well as the completion of the waste and material management infrastructure where necessary. This objective has to be accomplished in accordance with the decommissioning plan and subject to the necessary management of radioactive waste. Progress made in respect of this objective is to be measured by the quantity and type of material released from regulatory control and waste safely stored or disposed as well as earned value; and
 - (c) to continue the downgrading of radiological hazards. Progress made in respect of this objective is to be measured through the safety assessments of the activities and the facility, identifying ways in which potential exposures could occur and estimating the probabilities and magnitude of potential exposures. In the Kozloduy programme, the release of the facilities from regulatory control up to corresponding regulatory free-release levels is due to take place by the end of 2030.
2. The general objective of the Kozloduy programme is complemented by the aim of enhancing the EU added value of that programme by contributing to the dissemination of knowledge on the decommissioning process (thereby generated) to all Member States. In the financing period starting as of 2021, the Kozloduy programme has to deliver the following:
 - (a) develop ties and exchanges among Union stakeholders (e.g. Member States, safety authorities, and utilities and decommissioning operators);
 - (b) document explicit knowledge and make it available through multilateral knowledge transfers on decommissioning and waste management governance issues, managerial best practices, and technological challenges and decommissioning processes at both operational and organisational level, with a view to developing potential Union synergies.These activities can be funded by the Union at a rate of 100 %.
Progress made in respect of this objective is to be measured by the amount of knowledge products created and their reach.
3. The disposal of spent fuel and radioactive waste in a deep geological repository and the preparation thereof is excluded from the financial envelope referred to in Article 4(1).

ANNEX II

Detailed description of the objectives of the Bohunice programme

1. The general objective of the Bohunice programme is to assist Slovakia in managing the safety challenges in respect of the decommissioning of Units 1 and 2 of the Bohunice V1 Nuclear Power Plant. The major safety challenges to be addressed by the Bohunice programme are:
 - (a) the dismantling and decontamination of the reactors' buildings and components in accordance with the decommissioning plans. Progress made in respect of this objective is to be measured by the quantity and type of materials removed as well as earned value;
 - (b) the safe management of the decommissioning and radioactive waste in line with the needs identified in the respective decommissioning plan and of activated materials and dismantling materials, including their decontamination up to interim storage or to disposal (depending on the waste category), as well as the completion of the waste and material management infrastructure where necessary. This objective has to be accomplished in accordance with the decommissioning plan and subject to the necessary management of radioactive waste. Progress made in respect of this objective is to be measured by the quantity and type of material released from regulatory control and waste safely stored or disposed as well as earned value; and
 - (c) to continue the downgrading of radiological hazards. Progress made in respect of this objective is to be measured through the safety assessments of the activities and the facility, identifying ways in which potential exposures could occur and estimating the probabilities and magnitude of potential exposures. In the Bohunice programme, the release of the facilities from regulatory control up to corresponding regulatory free-release levels is due to take place by 2025.
2. The general objective of the Bohunice programme is complemented by the aim of enhancing the EU added value of that programme by contributing to the dissemination of knowledge on the decommissioning process (thereby generated) to all Member States. In the financing period starting as of 2021, the Bohunice programme has to deliver the following:
 - (a) develop ties and exchanges among Union stakeholders (e.g. Member States, safety authorities, and utilities and decommissioning operators);
 - (b) document explicit knowledge and make it available through multilateral knowledge transfers on decommissioning and waste management governance issues, managerial best practices, and technological challenges and decommissioning processes at both operational and organisational level, with a view to developing potential Union synergies.These activities can be funded by the Union at a rate of 100 %.
Progress made in respect of this objective is to be measured by the amount of knowledge products created and their reach.
3. The disposal of spent fuel and radioactive waste in a deep geological repository and the preparation thereof is excluded from the financial envelope referred to in Article 4(1).

ANNEX III

Detailed description of the objectives of the JRC decommissioning and waste management programme

1. The general objective of the JRC decommissioning and waste management programme is to pursue the decommissioning of the Commission's nuclear installations at the JRC sites, namely JRC-Geel in Belgium, JRC-Karlsruhe in Germany, JRC-Ispira in Italy and JRC-Petten in the Netherlands, and to safely manage the spent fuel, nuclear material and radioactive waste. The general objective of the JRC decommissioning and waste management programme is complemented by the aim of enhancing the EU added value of that programme by contributing to the dissemination of knowledge on the decommissioning process (thereby generated) to all Member States. In the financing period starting as of 2021, the JRC decommissioning and waste management programme has to deliver the following:
 - 1.1. At all sites:
 - (a) safely manage radioactive waste, nuclear material and spent fuel;
 - (b) explore and develop options for the transfer of decommissioning and waste management liabilities to the host Member State, based on the mutual bilateral agreement concluded between the Commission and the host Member State;
 - (c) develop ties and exchanges among Union stakeholders (e.g. Member States, safety authorities, and utilities and decommissioning operators);
 - (d) document explicit knowledge and make it available through multilateral knowledge transfers on decommissioning and waste management governance issues, managerial best practices, and technological challenges and decommissioning processes at both operational and organisational level, with a view to developing potential Union synergies.
 - 1.2. At the JRC-Ispira site (depending on release of the relevant authorisations by the Italian safety authorities), in accordance with national law:
 - (a) retrieve, treat and safely store historical waste;
 - (b) retrieve, treat and safely store nuclear material and spent fuel;
 - (c) decommission facilities that have been shut down.
 - 1.3. At the JRC-Karlsruhe site (depending on release of the relevant authorisations by the German safety authorities), in accordance with national law:
 - (a) decommission obsolete equipment;
 - (b) minimise the inventory of radioactive waste, nuclear material and spent fuel;
 - (c) decommission facilities that have been shut down and store associated radioactive waste;
 - (d) preparatory phases of the decommissioning of building parts.
 - 1.4. At the JRC-Petten site (depending on release of the relevant authorisations by the Dutch safety authorities), in accordance with national law:
 - (a) minimise the inventory of radioactive waste, nuclear material and spent fuel;
 - (b) retrieve, treat and safely manage the historical radioactive waste;
 - (c) preparatory phases of the decommissioning of the high-flux reactor;
 - (d) decommission the high-flux reactor facilities and safely manage associated radioactive waste.
 - 1.5. At the JRC-Geel site (depending on release of the relevant authorisations by the Belgian safety authorities), in accordance with national law:
 - (a) decommission obsolete equipment;
 - (b) minimise the inventory of radioactive waste and nuclear material;
 - (c) preparatory phases of the decommissioning of building parts.

Progress made in respect of this objective is to be measured by the quantity and type of safely stored or disposed-of waste, by the quantity and type of safely stored or disposed-of nuclear material and spent fuel and by the quantity and type of materials removed, as appropriate. The progress of the JRC decommissioning and waste management programme is to be generally measured by expected results, milestones, target dates, as well as the corresponding key performance indicators, including, where appropriate, earned-value-based indicators.

2. The general objective of the JRC decommissioning and waste management programme is complemented by the aim of enhancing the EU added value of that programme by contributing to the dissemination of knowledge on the decommissioning process (thereby generated) to all Member States. In the financing period starting as of 2021, the JRC decommissioning and waste management programme has to deliver the following:
 - 2.1. develop ties and exchanges among Union stakeholders (e.g. Member States, safety authorities, and utilities and decommissioning operators);
 - 2.2. document explicit knowledge and make it available through multilateral knowledge transfers on decommissioning and waste management governance issues, managerial best practices, and technological challenges and decommissioning processes at both operational and organisational level, with a view to developing potential Union synergies.

Progress made in respect of this objective is to be measured by the amount of knowledge products created and their reach.

3. The disposal of spent fuel and radioactive waste in a deep geological repository is included in the scope of the JRC decommissioning and waste management programme, as required by Directive 2011/70/Euratom.
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ANNEX IV

Indicators to report on the progress of the Programme towards the achievement of the objectives set out in Article 3

(1) Radioactive waste management:

- quantity and type of waste safely stored or disposed of, with annual objectives by type, meeting the milestones of the Programme;

(2) Dismantling and decontamination:

- quantity and type of materials removed, with annual objectives by type, meeting the milestones of the Programme.
-

COUNCIL REGULATION (EU) 2021/101**of 25 January 2021****establishing the nuclear decommissioning assistance programme of the Ignalina nuclear power plant in Lithuania and repealing Regulation (EU) No 1369/2013**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the 2003 Act of Accession, and in particular Article 56 thereof and Article 3 of Protocol No 4 attached thereto,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Protocol No 4 on the Ignalina nuclear power plant in Lithuania ⁽¹⁾ ('Protocol No 4') attached to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded ⁽²⁾ ('Act of Accession'), Lithuania committed itself to the closure of Unit 1 and Unit 2 of the Ignalina Nuclear Power Plant by 31 December 2004 and 31 December 2009 respectively, and to the subsequent decommissioning of those units.
- (2) In line with its obligations under the Act of Accession and with Union assistance, Lithuania shut down the two units within the respective deadlines and made significant progress towards their decommissioning. Further work is necessary in order to continue the decrease in the level of radiological hazard. Based on the available estimates, additional financial resources are required for that purpose after 2020.
- (3) The activities covered by this Regulation should comply with applicable Union and national law. The decommissioning of the Ignalina Nuclear Power Plant should be carried out in accordance with Union law on nuclear safety, namely Council Directive 2009/71/Euratom ⁽³⁾, and waste management, namely Council Directive 2011/70/Euratom ⁽⁴⁾. Pursuant to Articles 4(1) and 7(1) of Directive 2011/70/Euratom, the ultimate responsibility for the safe management of the spent fuel and radioactive waste generated remains with the Member States.
- (4) The premature shutdown and subsequent decommissioning of the Ignalina Nuclear Power Plant, with two 1 500 MW RBMK-type reactor units inherited from the Soviet Union, was of an unprecedented nature and represented for Lithuania an exceptional financial burden not commensurate with the size and economic strength of the country. Protocol No 4 states that the Union financial assistance in support of Lithuania's efforts to decommission and to address the consequences of the closure and decommissioning of the Ignalina Nuclear Power Plant is to be seamlessly continued and extended beyond 2006 for the period of the next Financial Perspectives.
- (5) This Regulation lays down a financial envelope for the entire duration of the nuclear decommissioning assistance programme of the Ignalina Nuclear Power Plant in Lithuania (the 'Programme'), which is to constitute the prime reference amount within the meaning of point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽⁵⁾ for the European Parliament and the Council during the annual budgetary procedure.

⁽¹⁾ OJ L 236, 23.9.2003, p. 944.

⁽²⁾ OJ L 236, 23.9.2003, p. 33.

⁽³⁾ Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).

⁽⁴⁾ Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).

⁽⁵⁾ OJ C 373, 20.12.2013, p. 1.

- (6) The Programme should be established for a period of seven years to align its duration with that of the multiannual financial framework laid down in Council Regulation (EU, Euratom) 2020/2093 ⁽⁶⁾.
- (7) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁷⁾ ('Financial Regulation') applies to the Programme. The Financial Regulation lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts.
- (8) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁸⁾, Council Regulations (EC, Euratom) No 2988/95 ⁽⁹⁾, (Euratom, EC) No 2185/96 ⁽¹⁰⁾ and (EU) 2017/1939 ⁽¹¹⁾, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, to the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) has the power to carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.

The European Public Prosecutor's Office (EPPO) is empowered, in accordance with Regulation (EU) 2017/1939, to investigate and prosecute criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council ⁽¹²⁾. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- (9) This Regulation does not prejudice the outcome of any future State aid procedures that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU).
- (10) The financing pursuant to this Regulation should concentrate on activities implementing the safety objectives of the decommissioning.
- (11) The Programme should also involve the creation of knowledge and the sharing of experience. Knowledge and experience gained and lessons learnt under the Programme with regard to the nuclear decommissioning process should be disseminated in the Union, in coordination and synergy with the other relevant Union programmes for decommissioning activities in Bulgaria, Slovakia and the Commission's nuclear installations at the Joint Research Centre (JRC) sites, as such measures bring the greatest EU added value and contribute to the safety of the workers and the general public as well as protection of the environment. The scope, procedure and economic aspects of cooperation should be detailed in the multiannual work programme and could also be subject to agreements between the Member States and/or with the Commission.

⁽⁶⁾ Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

⁽⁷⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁽⁸⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽⁹⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽¹⁰⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽¹¹⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

⁽¹²⁾ Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

- (12) The JRC should facilitate the dissemination of knowledge among different Union stakeholders in a coordinated way, for example by carrying out market analysis, reviews and assessments of knowledge needs in the Union, identifying potential directions for cooperation, interested stakeholders and spheres in which knowledge created in the implementation of the Programme would bring the greatest added value, and developing formats for knowledge sharing. The dissemination of knowledge created should be financed by the JRC. Any Member State should be able to initiate the development of ties and exchanges for knowledge dissemination.
- (13) The decommissioning of the Ignalina Nuclear Power Plant should be carried out with recourse to the best available technical expertise, and with due regard to the nature and technological specifications of the installations to be decommissioned, in order to ensure safety and the highest possible efficiency, thus taking into account international best practices.
- (14) Effective monitoring and control of the evolution of the decommissioning process should be ensured by Lithuania and the Commission in order to assure the highest EU added value of the funding allocated under this Regulation, although the ultimate responsibility for the decommissioning rests with Lithuania. This includes effective measurement of progress and performance, and the enacting of corrective measures where necessary. To that end, a committee with monitoring and information functions should be established and co-chaired by a representative of the Commission and of Lithuania.
- (15) Pursuant to paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹³⁾, the Programme should be evaluated on the basis of information collected in accordance with specific monitoring requirements while avoiding an administrative burden, in particular on Member States, and overregulation. Those requirements, where appropriate, should include measurable indicators as a basis for evaluating the effects of the Programme on the ground.
- (16) It should be possible to review the amount of the appropriations allocated to the Programme as well as the programming period based on the results of the interim evaluation report.
- (17) Activities co-financed under this Regulation should be identified within the boundaries defined by the decommissioning plan submitted by Lithuania in accordance with Council Regulation (EU) No 1369/2013 ⁽¹⁴⁾. That plan defines the scope of the Programme, as well as the decommissioning end state and end-date. It also covers the decommissioning activities, their associated schedule, costs and required human resources. When relevant, Lithuania should submit updated versions of the decommissioning plan to the Commission for its consideration while preparing the work programmes.
- (18) Activities under the Programme should be conducted with a joint financial effort of the Union and Lithuania. A maximum Union co-financing threshold should be established in line with the co-financing practice established under the predecessor programmes. Taking into account the practice of comparable Union programmes and the strengthened Lithuanian economy, from the inception of the Programme until the end of the implementation of the activities financed under this Regulation, the Union co-financing rate should be 86 % of eligible costs. The remaining financing should be provided by Lithuania and sources other than the Union budget, such as international financial institutions and other donors.
- (19) Regulation (EU) No 1369/2013 should therefore be repealed.
- (20) Due account has been taken of the Special Report No 22/2016 of the Court of Auditors entitled 'EU nuclear decommissioning assistance programmes in Lithuania, Bulgaria and Slovakia: some progress made since 2011, but critical challenges ahead', its recommendations and the reply from the Commission.

⁽¹³⁾ OJ L 123, 12.5.2016, p. 1.

⁽¹⁴⁾ Council Regulation (EU) No 1369/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programme in Lithuania, and repealing Regulation (EC) No 1990/2006 (OJ L 346, 20.12.2013, p. 7).

- (21) Note has been taken of the European Parliament legislative resolution of 17 January 2019 on the proposal for a Council regulation establishing the nuclear decommissioning assistance programme of the Ignalina nuclear power plant in Lithuania (Ignalina programme); and repealing Council Regulation (EU) No 1369/2013.
- (22) The Programme falls within the scope of the Lithuanian national programme for the implementation of spent fuel and radioactive waste management policy established pursuant to Directive 2011/70/Euratom.
- (23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁵⁾.
- (24) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU apply to this Regulation. Those rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 of the TFEU also concern the general regime of conditionality for the protection of the Union's budget.
- (25) The methods of implementation and forms of Union funding laid down in this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the activities and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in point (a) of Article 125(1) of the Financial Regulation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation establishes the nuclear decommissioning assistance programme of the Ignalina Nuclear Power Plant in Lithuania ('the Programme') for the period from 1 January 2021 to 31 December 2027.
2. It lays down the objectives of the Programme, its budget for the period from 1 January 2021 to 31 December 2027, the methods of implementation and the forms of Union funding.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'decommissioning' means administrative and technical measures in accordance with national law which allow the removal of some or all of the regulatory controls from a nuclear facility and which aim to ensure the long-term protection of the public and the environment, including the reduction of the levels of residual radionuclides in the materials and on the site of the nuclear facility;

⁽¹⁵⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (2) 'decommissioning plan' means a document that contains detailed information on the proposed decommissioning and covers the following: the selected decommissioning strategy; the schedule, type and sequence of decommissioning activities; the waste management strategy applied, including clearance; the proposed end state; the storage and disposal of the waste from decommissioning; the timeframe for decommissioning; the cost estimates for the completion of decommissioning; and the objectives, expected results, milestones, target dates, as well as the corresponding key performance indicators, including, where appropriate, earned-value-based indicators. The decommissioning plan is prepared by the nuclear facility licence holder and is reflected in the multiannual work programmes of the Programme.

Article 3

Objectives of the Programme

1. The general objective of the Programme is to assist Lithuania in implementing the decommissioning of the Ignalina Nuclear Power Plant, with specific emphasis on managing the safety challenges in respect thereof, while creating knowledge with regard to the nuclear decommissioning process and the management of radioactive waste resulting from the decommissioning activities.
2. The specific objective of the Programme is to carry out the dismantling and decontamination of the equipment and reactor shafts of the Ignalina Nuclear Power Plant in accordance with the decommissioning plan, including the management of radioactive waste resulting from the decommissioning activities, and to continue with the safe management of the decommissioning and legacy waste.
3. A detailed description of the specific objectives of the Programme is set out in Annex I. The Commission may amend, by means of implementing acts, Annex I, in accordance with the examination procedure referred to in Article 13(2).

Article 4

Budget of the Programme

1. The financial envelope for the implementation of the Programme for the period from 1 January 2021 to 31 December 2027 shall be EUR 552 000 000 in current prices.
2. The amount referred to in paragraph 1 may cover expenses, beyond activities described in Annex I, related to technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems. Such expenses shall be documented.
3. Budgetary commitments for activities extending over more than one financial year may be broken down into annual instalments over several years.

Article 5

Dissemination of knowledge

1. Knowledge created in the implementation process of the Programme shall be disseminated at the Union level.
2. Activities for accomplishing the activity referred to in paragraph 1 shall be financed under the JRC decommissioning and waste management programme, as defined in point 5 of Article 2 of Council Regulation (Euratom) 2021/100 ⁽¹⁶⁾. The JRC shall coordinate the structuring and dissemination of knowledge to Member States.

⁽¹⁶⁾ Council Regulation (Euratom) 2021/100 of 25 January 2021 establishing a dedicated financial programme for the decommissioning of nuclear facilities and the management of radioactive waste and repealing Regulation (Euratom) No 1368/2013 (see page 3 of this Official Journal).

3. The process of dissemination of knowledge shall be included and defined in the work programme referred to in Article 9.

Article 6

Methods of implementation and forms of Union funding

1. The Programme shall be implemented under direct management in accordance with the Financial Regulation or under indirect management with entities listed in point (c) of Article 62(1) of the Financial Regulation.
2. Union funding under the Programme may be provided in any form laid down in the Financial Regulation.

CHAPTER II

ELIGIBILITY

Article 7

Eligible activities

Only activities implementing the objectives set out in Article 3 shall be eligible for Union funding.

Article 8

Co-financing rates

Every effort shall be made to continue the co-financing practice established under the pre-accession assistance and the assistance provided over the previous multiannual financial programmes for the decommissioning efforts of Lithuania, as well as to attract co-financing from other sources as appropriate.

The overall maximum Union co-financing rate applicable under the Programme shall be 86 %. The remaining financing shall be provided by Lithuania and additional sources other than the Union budget. The activities necessary for the dissemination of knowledge referred to in Article 5 shall be funded by the Union at a rate of 100 %.

CHAPTER III

PROGRAMMING, MONITORING, EVALUATION AND CONTROL

Article 9

Work programme

1. The Programme shall be implemented by a multiannual work programme referred to in Article 110 of the Financial Regulation. The multiannual work programme shall be adopted in accordance with the procedure referred to in Article 13(2).
2. The multiannual work programme referred to in paragraph 1 shall reflect the decommissioning plan that serves as baseline for monitoring and evaluation of the Programme.
3. The multiannual work programme referred to in paragraph 1 shall specify the current state, the objectives, the expected results, the related performance indicators and the timeline for the use of funds and shall define the details for the dissemination of knowledge.

*Article 10***Reporting and monitoring**

1. Indicators to report on the progress of the Programme towards the achievement of the objectives set out in Article 3 are laid down in Annex II.
2. The performance reporting system shall ensure that data for monitoring the implementation and the results of the Programme are collected efficiently, effectively and in a timely manner. To that end, reporting requirements proportionate to the overall costs and Programme-related risks shall be imposed on recipients of Union funds and, where appropriate, on Member States.
3. At the end of each year, the Commission shall draw up a progress report on the implementation of the work carried out in the previous years, including the rate of activities resulting from calls for tenders, and shall present it to the European Parliament and to the Council.

*Article 11***Evaluation**

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.
2. The interim evaluation of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the period specified in Article 1(1). The interim evaluation shall also address the scope for modification of the multiannual work programme referred to in Article 9.
3. At the end of the implementation of the Programme, but no later than five years after the end of the period specified in Article 1(1), a final evaluation of the Programme shall be carried out by the Commission.
4. The Commission shall communicate the conclusions of the evaluations, together with its observations, to the European Parliament and to the Council.

*Article 12***Audits**

Audits on the use of the Union and national contribution carried out by persons or entities, including persons or entities other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance within the meaning of Article 127 of the Financial Regulation.

*Article 13***Committee**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result if, within the time limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 14

Information, communication and publicity

1. The recipients of Union funds shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the activities and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.
2. The Commission shall implement information and communication actions relating to the Programme, to activities carried out pursuant to the Programme and to the results obtained.
3. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives set out in Article 3.

Article 15

Repeal

Regulation (EU) No 1369/2013 is repealed.

Article 16

Transitional provisions

1. This Regulation shall not affect the continuation of or modification of the activities initiated pursuant to Regulation (EU) No 1369/2013, which shall continue to apply to those activities until their closure.
2. The financial envelope for the Programme may also cover the technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted pursuant to the Regulation (EU) No 1369/2013.
3. If necessary, appropriations may be entered in the Union budget beyond 2027 to cover the expenses provided for in Article 4(2) to enable the management of activities not completed by 31 December 2027.

Article 17

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 January 2021.

For the Council
The President
J. BORRELL FONTELLES

ANNEX I

Detailed description of the objectives of the Programme

1. The general objective of the Programme is to assist Lithuania in implementing the decommissioning of the Ignalina Nuclear Power Plant, with specific emphasis on managing the safety challenges in respect thereof. With the removal of spent fuel assemblies from the reactor buildings completed, the next major safety challenges to be tackled under the Programme are the dismantling of the reactors' cores and the continued safe management of the decommissioning and legacy waste.
2. In the financing period starting as of 2021, the Programme will assist with activities included in the decommissioning plan submitted by Lithuania in accordance with Regulation (EU) No 1369/2013, in particular the following:
 - (a) dismantling and decontamination of the reactor shafts' top and bottom zones and equipment in accordance with the decommissioning plan. Progress made in respect of this objective is to be measured by the quantity and type of materials removed as well as through earned value;
 - (b) the design for the dismantling and decontamination of the reactor shafts' central zones (graphite cores). Progress made in respect of this objective is to be measured through earned value. This objective is to be accomplished before 2027, when the relevant authorisations will be granted to carry out the actual dismantling and decontamination, which is scheduled to occur after 2027;
 - (c) safe management of the decommissioning and legacy waste up to interim storage or to disposal (depending on the waste category), including the completion of the waste management infrastructure where necessary. This objective is to be accomplished in accordance with the decommissioning plan. Progress made in respect of this objective is to be measured by the quantity and type of waste safely stored or disposed of, as well as through earned value;
 - (d) implementation of the building demolition programme. Progress made in respect of this objective is to be measured by the quantity of demolished buildings as well as through earned value;
 - (e) obtaining the decommissioning licence once Unit 1 and Unit 2 of the Ignalina Nuclear Power Plant are defueled;
 - (f) downgrading of radiological hazards. Progress made in respect of this objective is to be measured through the safety assessments of the activities and the facility, identifying ways in which potential exposures could occur and estimating the probabilities and magnitude of potential exposures.
3. The decommissioning plan of the Ignalina Nuclear Power Plant established the Programme work breakdown structure (Ignalina Nuclear Power Plant Decommissioning Activity and Projects Decomposition Hierarchical Structure). The first level of that structure consists of the following six items:
 - (a) P.0 'Enterprise activity organisation';
 - (b) P.1 'Decommissioning preparation';
 - (c) P.2 'Facility dismantling/demolition and site restoration';
 - (d) P.3 'Spent Nuclear Fuel handling';
 - (e) P.4 'Waste handling';
 - (f) P.5 'Post-operation programme'.

Item P.0 'Enterprise activity organisation' covers the enterprise management, surveillance and quality assurance, radiation and ecological monitoring, physical security, engineering consultancy and legal support for enterprise activities and public communication.

Item P.1 'Decommissioning preparation' covers the provision of preliminary conditions for decommissioning (such as equipment inventory and radiological characterisation), the modification of infrastructure, the installation of equipment and the construction of facilities, the isolation of systems and equipment, and the decontamination of process systems, equipment and facilities.

Item P.2 'Facility dismantling/demolition and site restoration' covers the dismantling of reactors, the dismantling of process equipment/systems and waste pre-treatment, the demolition of facilities, and site restoration.

Item P.3 'Spent Nuclear Fuel handling' covers spent nuclear fuel handling and storage.

Item P.4 'Waste handling' covers the treatment, conditioning, storage and disposal of very low, low and intermediate-level radioactive waste resulting from the operational and decommissioning activities.

Item P.5 'Post-operation programme' covers the operation and maintenance of facilities, energy resources, the water supply, sewage and water purification.

4. Key safety challenges in the financing period from 1 January 2021 to 31 December 2027 are tackled through activities under items P.1, P.2 and P.4. In particular, the dismantling of the reactors' cores is covered under item P.2. Lesser challenges are tackled under item P.3, while items P.0 and P.5 cover decommissioning support activities.
5. Accordingly, when preparing the multiannual work programme, the Commission, in close cooperation with Lithuania, will consider distributing the available amounts as per the priorities identified in Table 1, without prejudice to Article 8.

Table 1

#	Item	Priority
P.0	Enterprise activity organisation	II
P.1	Decommissioning preparation	I
P.2	Facility dismantling/demolition and site restoration	I
P.3	Spent Nuclear Fuel handling	II
P.4	Waste handling	I
P.5	Post-operation programme	III

6. Knowledge and experience gained and lessons learnt under the Programme with regard to the decommissioning process shall be disseminated among Union stakeholders, thus enhancing the EU added value of the Programme. These activities may include:
 - the development of ties and exchanges among Union stakeholders, including those initiated by Member States;
 - the documentation of explicit knowledge and the making available of such knowledge through multilateral knowledge transfers on decommissioning and waste management governance issues, managerial best practices, and technological challenges and decommissioning processes at both operational and organisational level, with a view to developing potential EU synergies.

These activities are funded by the Union at a rate of 100 % of eligible costs.

Progress made in respect of these activities is to be reported by the JRC and measured on the basis of indicators specified in its multiannual work programme.

7. The disposal of spent fuel and radioactive waste in a deep geological repository and the preparation thereof is excluded from the financial envelope referred to in Article 4(1).

ANNEX II

Indicators to report on the progress of the Programme towards the achievement of the objectives set out in Article 3

(1) Radioactive waste management:

- quantity and type of waste safely stored or disposed of, with annual objectives by type, meeting the milestones of the Programme;

(2) Dismantling and decontamination:

- quantity and type of materials removed, with annual objectives by type, meeting the milestones of the Programme.

DECISIONS

COUNCIL DECISION (EU) 2021/102

of 25 January 2021

establishing the position to be taken on behalf of the Union within the Joint Committee established by the Euro-Mediterranean aviation agreement between the European Community and its Member States, of the one part and the Kingdom of Morocco, of the other part, as regards the adoption of the rules of procedure of the Joint Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Euro-Mediterranean aviation agreement between the European Community and its Member States, of the one part and the Kingdom of Morocco, of the other part ⁽¹⁾ ('the Agreement') was concluded by the Union by means of Council Decision (EU) 2018/146 ⁽²⁾ and entered into force on 19 March 2018.
- (2) Article 22 of the Agreement establishes a Joint Committee composed of representatives of the Parties ('the Joint Committee'), which is responsible for the administration of the Agreement and ensures its proper implementation.
- (3) Article 22(6) of the Agreement provides that the Joint Committee is to adopt its rules of procedure.
- (4) In order to ensure the proper implementation of the Agreement, the rules of procedure of the Joint Committee should be adopted.
- (5) It is appropriate to establish the position to be taken on the Union's behalf at the first meeting of the Joint Committee, since the decision of the Joint Committee on the adoption of its rules of procedure will have legal effects on the Union. The position of the Union within the Joint Committee should be based on the draft Joint Committee Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union at the first meeting of the Joint Committee established by Article 22 of the Euro-Mediterranean aviation agreement between the European Community and its Member States, of the one part and the Kingdom of Morocco, of the other part, as regards the adoption of the rules of procedure of the Joint Committee shall be based on the draft Decision of the Joint Committee ⁽³⁾.

Minor changes to the draft Decision of the Joint Committee may be agreed to by the representatives of the Union within the Joint Committee without a further Council decision.

⁽¹⁾ Euro-Mediterranean aviation agreement between the European Community and its Member States, of the one part and the Kingdom of Morocco, of the other part (OJ L 386, 29.12.2006, p. 57).

⁽²⁾ Council Decision (EU) 2018/146 of 22 January 2018 on the conclusion, on behalf of the Union, of the Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part (OJ L 26, 31.1.2018, p. 4).

⁽³⁾ See document ST 14010/20 at <http://register.consilium.europa.eu>

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 25 January 2021.

For the Council
The President
J. BORRELL FONTELLES

COMMISSION IMPLEMENTING DECISION (EU) 2021/103**of 29 January 2021****not approving carbon dioxide as an existing active substance for use in biocidal products of product-type 19****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the third subparagraph of Article 89(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾ establishes a list of existing active substances to be evaluated for their possible approval for use in biocidal products. That list includes carbon dioxide (EC No: 204-696-9; CAS No: 124-38-9). That list also includes carbon dioxide generated from propane, butane or a mixture of both by combustion. The latter is not covered by this Implementing Decision.
- (2) All the participants have withdrawn their support for carbon dioxide for use in biocidal products of product-type 19, repellents and attractants. The European Chemicals Agency published an open invitation to take over the role of participant in accordance with point (a) of Article 14(1) of Delegated Regulation (EU) No 1062/2014. No notification has been submitted pursuant to Article 17 of that Regulation. In accordance with point (b) of the first paragraph of Article 20 of Delegated Regulation (EU) No 1062/2014, a non-approval decision should be adopted for active substances no longer supported in the review programme for the product-type concerned.
- (3) Carbon dioxide (EC No: 204-696-9; CAS No: 124-38-9) should therefore not be approved as an active substance for use in biocidal products of product-type 19.
- (4) Existing biocidal products of product-type 19 and containing carbon dioxide may continue to be made available on the market and used before the dates set in the second subparagraph of Article 89(2) of Regulation (EU) No 528/2012.
- (5) In any case, carbon dioxide is listed in category 6 of Annex I to Regulation (EU) No 528/2012. Biocidal products of product-type 19 containing carbon dioxide may be therefore made available on the market and used provided that they are authorised in accordance with that Regulation and comply with the conditions and specifications set in Annex I for carbon dioxide.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal products,

HAS ADOPTED THIS DECISION:

Article 1

Carbon dioxide (EC No: 204-696-9; CAS No: 124-38-9) is not approved as an active substance for use in biocidal products of product-type 19.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 29 January 2021.

For the Commission
The President
Ursula VON DER LEYEN

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