


# Options for EU Treaty Change in the Energy Field

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# General EU treaty reform could be underway

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- **The last major treaty amendment took place in 2007** (*adoption of the Lisbon Treaty*).
  - **SINCE THEN:** The [recommendations](#) from **THE CONFERENCE FOR THE FUTURE OF EUROPE** presuppose treaty reform.
  - Now also the position of the **EP, EC** and **the French** and **German governments**. They all refer to the afore-mentioned recommendations.
  - **Another reason for reform:** If EU-27 expands to EU-31 (*Ukraine, Western Balkans*), a streamlining of the decision-making process would be necessary.
  - **HOWEVER:** At least **10 MS** currently against reform.
-  **If a constitutional amendment procedure under [TEU Article 48](#) is established everything is on the table.**
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# Arguments for comprehensive energy treaty reform

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- **14 EU-27 MS (A MAJORITY) DO NOT HAVE NUCLEAR POWER PLANTS IN OPERATION:** Austria, Croatia, Cyprus, Denmark, Estonia, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland and Portugal.
- **NO LEVEL PLAYING FIELD FOR RES:** For more than sixty years, [the EURATOM Treaty](#) has **protected European nuclear power against competition** from other energy sources, which is its **stated purpose**.
- It is **crucial to the development and preservation of nuclear technology** in Europe because of its constitutional and institutional legitimacy and its support mechanisms. The problem is mainly its **nuclear promotional character**, but also to some extent **safety-related issues** (*e. g. suspension of [TFEU Article 191](#)*).
- **ALSO A DEMOCRATIC DEFICIT: No decisional power by EP on matters relating to EURATOM.**

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- **Six EU MS** – Austria, Sweden, Germany, Hungary, Ireland and Denmark – have noted that the EURATOM Treaty has not been substantially amended since its entry into force and **needs to be brought up to date**.
- **EURATOM could be reformed, abolished or subject to unilateral withdrawal by MS** (*the last option not so realistic*).
- **HOWEVER, NOT MUCH POLITICAL INTEREST IN NON-NUCLEAR MS FOR NUCLEAR ISSUES.**

 **So the question is this: What could trigger change of non-nuclear EU MS' position on energy treaty reform?**

- **A POSSIBLE SOLUTION:** *Considering that EURATOM is energy-related, it makes political, strategic and tactical sense to include all energy-related proposals for constitutional reform simultaneously in a revision procedure.*
- **ALSO:** The **weakening of EU's green taxonomy** has increased the need for energy treaty reform.

# Arguments for comprehensive energy treaty reform

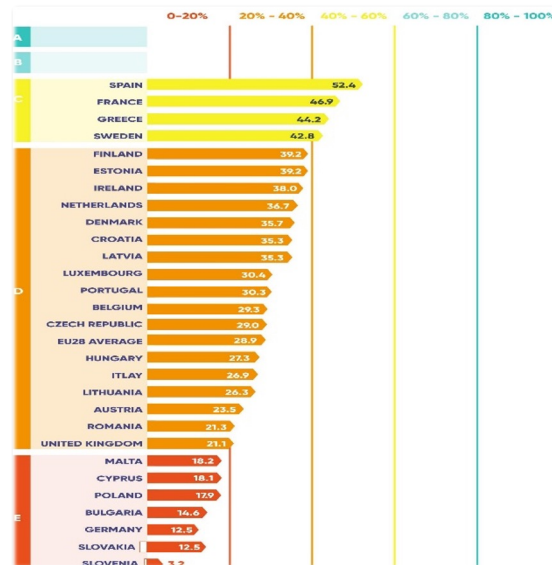
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- EU needs a **NEW OVERRIDING VISION in the energy field**, which only a treaty on RES, energy efficiency and energy saving can provide.
- There is a substantial need for a **STABLE FRAMEWORK for the long-term deployment of RES**.
- In a negotiation situation it would make sense to have **as many sensible options on the table as possible** in pursuing a green European energy transition.
- In **non-nuclear MS**, the focus is on **RES, energy efficiency and energy saving**.
- But currently, there is **no guarantee that decommissioned NPPs will be replaced by RES**. Instead, they could be replaced by imports of fossil gas.
- [According to the European Court of Auditors \(ECA\)](#), the **EU needs to take significant action to generate more electricity from wind and solar power to meet its targets on RES**. ECA warns that the 2030 RES target of at least 32% may be difficult to achieve in the absence of binding national targets.

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- **NONE OF THE MS MEASURES ARE SUFFICIENT TO REACH THE OBJECTIVES OF THE PARIS AGREEMENT.** In 2019, the then 28 MS presented integrated National Energy and Climate Plans for meeting EU's 2030 climate and energy goals. They all fall short on ambition and credibility.



*Source: Ecologic Institute and Climact for the European Climate Foundation*

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➔ **EURATOM COULD BE REPLACED BY A TREATY ON RENEWABLE ENERGIES, ENERGY EFFICIENCY AND ENERGY SAVING.** An option is the [European Energy Transition Protocol](#), proposed by the Austrian government in 2016, or something similar.

- **The principal argument:** *Although the costs of RES are decreasing, neither their own positive externalities, nor the negative externalities of the competing energy sources are sufficiently priced in the energy markets, which is detrimental to the growth of RES. Furthermore, past support of nuclear power is already built into nuclear power's infrastructure.*
- Since 2019, NOAH, Sustainable Energy and Nordic Folkecenter for Renewable Energy in Denmark have [supported a treaty draft](#) conceived by Prof. Dr. Michael Geistlinger from the University of Salzburg. The draft is based on the EURATOM Treaty, which is gradually phased out and combined with the European Energy Transition Protocol.

# The EC's position on energy treaty reform

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- In 2019, the EC published a [communication on EURATOM revision](#), stating that **treaty reform should be seen in the post 2025 perspective.**
- A **high-level group of experts** to be established to considering how, on the basis of the current treaty, its **democratic accountability could be improved.**
- **Nothing** about EURATOM's **nuclear promotional dimension.**
- If an amendment procedure is about to start, **the post 2025 perspective no longer applies.**
- **SO HOW WILL THE EC DEAL WITH ENERGY-RELATED TREATY REFORM?** So far, it has expressed **no opinion on whether RES, energy efficiency and energy conservation** should be a part of a possible EU treaty amendment procedure



# Thank you

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See also the website of NOAH Friends of the Earth Denmark's Uranium Group: [www.noah.dk/urangruppe](http://www.noah.dk/urangruppe)