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As we all know:

European nuclear power plants are already inadequately insured against serious accidents.

We need a new, Europe-wide assessment of nuclear risks, including a detailed examination of the strengths and weaknesses of liability regimes in EU Member States. This also includes the provisions and insurance conditions that must lead to a liability regime in the sense of a comprehensive European liability system in accordance with the Euratom Treaty.

We call for a uniform, harmonized European nuclear liability law for all current and future nuclear power plant operators. Under this law, liability must not only be absolute, i.e. there must be no prerequisite such as fault or negligence for liability, but it must also apply without limitation to the operator. In Germany or Austria, for example, nuclear power plant operators are not exempt from liability due to war or natural disasters.

As already mentioned in the PETI study, recent amendments to the Nuclear Safety Directive (particularly in 2014) emphasized the importance of an independent regulatory authority, but essentially it is still the Member States' authorities that verify nuclear safety; Euratom or other EU institutions have no means of directly verifying the safety of nuclear installations in the Member States.

According to the analysis by Professor Dörte Foquet

Due to the inclusion of nuclear energy in the taxonomy, the EU must promptly adopt its own regulation on liability in the field of nuclear energy in accordance with Article 98 of the Euratom Treaty.

We call for additional regulations on the designation and control of credit terms. One issue is unlimited liability insurance.

European supervisory authorities with appropriate powers must be created to monitor and enforce these obligations.

Under Euratom, loans for new nuclear reactors are granted without European supervisory bodies for either safety requirements or credit terms.

The question is: what can we do as NGOs? And how can we overcome the discrepancy, the conflict of interest between operators, authorities, and citizens' interests (see Massimo Garriba's 2013 study)? Even after 12 years, this conflict is still ongoing.

Following Professor Dörte Foquet

The current EURATOM treaty has only an almost homeopathic approach to nuclear liability which is mentioned only under the current provisions of the Nuclear Common Market and its above-mentioned Art. 98 EURATOM. In the whole EURATOM treaty the word “insurance” figures just once.

See Art. 98 EURATOM: “Member States shall take all measures necessary to facilitate the conclusion of insurance contracts covering nuclear risks. The Council, acting by a qualified majority on a proposal from the Commission, which shall first request the opinion of the Economic and Social Committee, shall, after consulting the European Parliament, issue directives for the application of this Article.”

The EU needs to swiftly issue an own nuclear liability regulation under Art. 98 EURATOM Treaty. The standard to respect Art. 114 and Art 194 TFEU needs to be the full transposition of the existing most advanced liability rules in above national legislation. Once this has been achieved, a respective link under Directive 2004/35/EC can combine both.

If and as long as this is not achieved, specific Delegated Acts by the EU Commission should temporarily put on hold any application of taxonomy rules and any application under EU Regulation EU) 2024/1747 for nuclear energy.