

# "Lisbon introduces nuclear power...!"

**FALSE**

## The Claim

**Nuclear energy is going to be forced on us.**

The Sinn Féin "Alternative Guide" to the Lisbon Treaty claims that the Treaty "mandates the EU to promote nuclear energy."<sup>1</sup>

"With a pro-nuclear Commission, a legally binding Euratom Treaty and the majority of Member States using nuclear power, it doesn't take a genius to guess that Minister Ryan will come under extreme pressure to acquiesce in the drive for a nuclear-powered EU, especially as the Lisbon Treaty is a self-amending treaty."<sup>2</sup>

## The Short Answer

**This Treaty does not change the EU's long-standing position on nuclear power which is - oppose it or accept it, the EU will not force it on us.**

## The Long Answer

The Lisbon Treaty does not enforce nuclear energy on Ireland, or any other EU country.

The European Atomic Energy (Euratom) Treaty is one of the founding Treaties of the EU. Originally drafted in the early 1950s, this was a time when the shortage of 'conventional' energy was something that needed to be tackled. As the cost of introducing nuclear power would have been too high for individual countries, the EU members came together to form Euratom.

This Treaty does not extend the powers of Euratom and it does not change its legal status. There is a protocol annexed to the Lisbon Treaty regarding Euratom which simply makes minor grammatical alterations and changes in terms but in no way changes the fundamentals of Euratom. For example, the words 'Community' and 'European Community' are being replaced by 'Union' to reflect the fact that it's now called the European Union.

For the first time, with the Lisbon Treaty there is an article about energy in Treaty law. It states that every EU country has the sovereign right to choose what energy they use and how this energy is sourced. This article also promotes energy efficiency and energy saving, to promote the development of renewable energy and to ensure we've all got security of energy supply.



This European Movement Ireland fact sheet is part of a series of research conducted to clarify the issues in the Lisbon Treaty debate. European Movement Ireland is a pro-European non-profit organisation which does not advocate either side of the Lisbon Treaty Referendum, we advocate the facts.



## Current legal situation

In the early 1950s, the European Atomic Energy (Euratom) Treaty was created to tackle the general shortage of conventional energy. The general objective of this Treaty is to contribute to the formation and development of Europe's nuclear industries, so that all EU countries can benefit from the development of atomic energy, and to ensure security of supply in an environment of mutual surveillance. As it was only a few years after Hiroshima and Nagasaki, this approach made a lot of sense.

While dealing with the development of nuclear industry, the Euratom Treaty guarantees high safety standards for the public and prevents nuclear materials that are intended principally for civilian use from being diverted to military use. It is important to note that Euratom's powers are limited to peaceful civil uses of nuclear energy.

According to the Treaty, the specific tasks of Euratom are:

- to promote research and ensure the dissemination of technical information;
- to establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied;
- to facilitate investment and ensure the establishment of the basic installations necessary for the development of nuclear energy in the EU;
- to ensure that all users in the EU receive a regular and equitable supply of ores and nuclear fuels.

Since the signing of this Treaty in 1957, no major changes have ever been made to the Euratom Treaty, which remains in force. The European Atomic Energy Community has not merged with the EU and therefore retains a separate legal personality, while sharing the same institutions.

In March 2007 the European Commission reviewed and

assessed the outlook for the Euratom Treaty. The result was generally positive, particularly in the areas of research, health protection, monitoring of the peaceful use of nuclear material and international relations. Interest in nuclear power had been boosted by the need to ensure a secure supply of energy and by concerns over climate change. It did flag the fact that the EU countries who had signed the Euratom Treaty would have to commit to focusing on the safety of materials and ensuring that high standards are kept in radiation protection.

The following countries have a nuclear power industry: Argentina, Armenia, Belgium, Brazil, Bulgaria, Canada, China, Czech Republic, Finland, France, Germany, Hungary, India, Japan, South Korea, Lithuania, Mexico, the Netherlands, Pakistan, Romania, Russia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine, UK and USA. From this list, you can see that 15 countries in the EU have a nuclear power industry of some description.<sup>3</sup>

**The right to use nuclear energy remains within the powers of EU countries** and is an issue that divides Europe – countries like France are in favour of it, while others like Austria and Ireland are against it. It is also a policy that changes over years – Germany is currently decommissioning all nuclear reactors, while Italy has recently passed legislation to develop its nuclear energy capacity. The fact remains Ireland cannot be forced to move towards nuclear energy, in the same way as other countries cannot be forced to resign from using it.

Ireland, Germany, Austria, Hungary and Sweden made a formal declaration in 2007 stating that the core provisions of the Euratom Treaty have not been substantially changed since its entry into force, and need to be updated. They called for a formal meeting of all European Union leaders to specifically negotiate this issue to be held as soon as possible.

## What Lisbon introduces

**This Treaty does not force Ireland to use nuclear power. It also does not extend the powers of Euratom or change its legal status.**

There is a protocol annexed to the Lisbon Treaty regarding Euratom which simply makes minor grammatical alterations and changes in terms but in no way changes the fundamentals of Euratom. For example, the words 'Community' and 'European Community' are being replaced by 'Union' to reflect the fact that it's now officially called the European Union.

For the first time, there is an article about energy in Treaty law. It states that every EU country has the sovereign right to choose what energy we use and how this energy is sourced. This article also promotes energy efficiency and energy saving, to promote the development of renewable energy and to ensure we've all got security of energy supply. In essence, **nothing changes with regard to the sovereign right of EU countries to determine their own energy mix**, whether it be fossil fuels, renewable energy or

nuclear power.

The Lisbon Treaty introduces QMV in the area of energy but *not* in terms of what source or type of energy Member States use, as is clearly stated in Article 194.2:

*"Without prejudice to the application of other provisions of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the objectives in paragraph 1. Such measures shall be adopted after consultation of the Economic and Social Committee and the Committee of the Regions. Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article 192(2)(c)."*<sup>4</sup>

<sup>1</sup> Sinn Féin, 'An alternative guide to the Lisbon Treaty'.

<sup>2</sup> People's Movement, <http://www.people.ie/contreaty/euratom.pdf>.

<sup>3</sup> List taken from <http://www.world-nuclear.org/info/reactors.html>

<sup>4</sup> Article 192(2)(c) states that the Council, by unanimous vote and after consultation with the Parliament, Social Committee, and the Committee of the Regions, can adopt fiscal provisions and measures affecting town and country planning, management of water sources and waste management.