Council Regulation (Euratom) 2018/1563 of 15 October 2018 on the Research and Training Programme of the European Atomic Energy Community (2019–2020) complementing the Horizon 2020 Framework Programme for Research and Innovation, and repealing Regulation (Euratom) No 1314/2013

COUNCIL REGULATION (Euratom) 2018/1563

of 15 October 2018

on the Research and Training Programme of the European Atomic Energy Community (2019–2020) complementing the Horizon 2020 Framework Programme for Research and Innovation, and repealing Regulation (Euratom) No 1314/2013

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the first paragraph of Article 7 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee,[(1)]

After consulting the Scientific and Technical Committee,

Whereas:

(1) One of the aims of the European Atomic Energy Community (the 'Community') is to contribute to the raising of the standard of living in the Member States, including by promoting and facilitating nuclear research in the Member States and complementing it by carrying out a Community research and training programme.

(2) Nuclear research can contribute to social and economic prosperity and environmental sustainability by improving nuclear safety, security and radiation protection. Equally important is the potential contribution of nuclear research to the long-term decarbonisation of the energy system in a safe, efficient and secure way.

(3) The interim evaluation of the 2014–2018 Research and Training Programme of the Community established by Council Regulation (Euratom) No 1314/2013[(2)] (the '2014–2018 Programme') concluded that the action is relevant and continues to be instrumental in addressing challenges in nuclear safety, security and safeguards, radioactive waste management, radiation protection and fusion energy.

(4) In order to ensure continuity of nuclear research at Community level, it is necessary to establish the Research and Training Programme of the Community for the period from 1 January 2019 to 31 December 2020 (the '2019–2020 Programme'). The 2019–2020 Programme should have the same objectives as the 2014–2018 Programme, support the same activities and use the same mode of implementation, which proved to be efficient and appropriate for the purpose of achieving the 2014–2018 Programme's objectives.

(5) By supporting nuclear research, the 2019–2020 Programme will contribute to achieving the objectives of the Horizon 2020 Framework Programme for Research and Innovation

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(the 'Horizon 2020 Framework Programme') established by Regulation (EU) No 1291/2013 of the European Parliament and of the Council[(3)] and will facilitate implementation of the Europe 2020 strategy and the creation and operation of the European Research Area.

(6) Notwithstanding the potential impact of nuclear energy on energy supply and economic development, severe nuclear accidents could endanger human health. Therefore, nuclear safety and, where appropriate, security aspects dealt with by the Joint Research Centre (the 'JRC') should be given the greatest possible attention in the 2019–2020 Programme.

(7) The European Strategic Energy Technology Plan (the 'SET Plan'), set out in the conclusions of the Council meeting in Brussels on 28 February 2008, is accelerating the development of a portfolio of low-carbon technologies. The European Council agreed at its meeting on 4 February 2011 that the Union and its Member States would promote investment in renewables and safe and sustainable low-carbon technologies and would focus on implementing the technology priorities established in the SET Plan. Each Member State remains free to choose the types of technology that it would support.

(8) As all Member States have nuclear installations or make use of radioactive materials, in particular for medical purposes, the Council recognised in the conclusions of its meeting in Brussels on 1 and 2 December 2008 the continuing need for skills in the nuclear field, in particular through appropriate education and training linked with research and coordinated at Community level.

(9) While it is for each Member State to choose whether or not to make use of nuclear power, it is also acknowledged that nuclear energy plays different roles in different Member States.

(10) By signing the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project[(4)], the Community has undertaken to participate in the construction of the ITER Project ('ITER') and its future exploitation. The Community contribution is managed through the European Joint Undertaking for ITER and the Development of Fusion Energy (Fusion for Energy), established by Council Decision 2007/198/Euratom[(5)].

(11) For fusion to become a credible option for commercial energy production, it is, firstly, necessary to successfully complete the construction of ITER in a timely manner and to start its operation. Secondly, it is necessary to establish an ambitious yet realistic roadmap for the production of electricity by 2050. Reaching those goals requires the European fusion programme to be directed towards a joint programme of activities implementing that roadmap. In order to secure the achievements of ongoing fusion research activities, as well as the long-term commitment of, and collaboration between, the fusion stakeholders, continuity of the Community's support should be ensured. A stronger focus should be placed primarily on the activities in support of ITER but also on the developments towards the demonstration reactor, including the stronger involvement of the private sector where appropriate. Such rationalisation and refocusing should be achieved without jeopardising the European leadership of the fusion scientific community.

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(12) The JRC should continue to provide independent customer-driven scientific and technological support for the formulation, development, implementation and monitoring of Community policies, in particular in the field of nuclear safety and security research and training. To optimise human resources and ensure that there is no duplication of research in the Union, any new activity carried out by the JRC should be analysed to check its consistency with existing activities in the Member States. The security aspects of the Horizon 2020 Framework Programme should be limited to the direct actions of the JRC.

(13) The JRC should continue to generate additional resources through competitive activities, including participation in indirect actions of the 2019–2020 Programme, third-party work and, to a lesser extent, the exploitation of intellectual property.

(14) In the interest of all its Member States, the role of the Union is to develop a framework to support joint cutting-edge research, knowledge creation and knowledge preservation on nuclear fission technologies, with special emphasis on safety, security, radiation protection and non-proliferation. That requires independent scientific evidence, to which the JRC can make a key contribution. That has been recognised in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, dated 6 October 2010, entitled ‘Europe 2020 Flagship Initiative Innovation Union’, in which the Commission stated its intention to strengthen scientific evidence for policy-making through the JRC. The JRC proposes to respond to that challenge by focusing its nuclear safety and security research on the Union's policy priorities.

(15) With the aim of deepening the relationship between science and society and reinforcing public confidence in science, the 2019–2020 Programme should favour the informed engagement of citizens and civil society on research and innovation matters by promoting science education, making scientific knowledge more accessible, developing responsible research and innovation agendas that meet the concerns and expectations of citizens and civil society, and facilitating their participation in activities under the 2019–2020 Programme.

(16) The implementation of the 2019–2020 Programme should respond to the evolving opportunities and needs relating to science and technology, industry, policies and society. The agendas should therefore be set in close liaison with stakeholders from all sectors concerned, and sufficient flexibility should be allowed for new developments. External advice might be sought during the 2019–2020 Programme, also making use of relevant structures such as European technology platforms.

(17) The need to continue nuclear research at European level was recognised in the outcomes of the debates that took place at the Symposium on the benefits and limitations of nuclear fission research for a low-carbon economy prepared by an interdisciplinary study involving, among others, experts from the fields of energy, economics and social sciences, and co-organised by the Commission and the European Economic and Social Committee in Brussels on 26 and 27 February 2013.

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(18) The 2019–2020 Programme should contribute to the attractiveness of the research profession in the Union. Adequate attention should be paid to the Commission Recommendation of 11 March 2005 on the European Charter for Researchers and on a Code of Conduct for the Recruitment of Researchers[(6)], together with other relevant reference frameworks defined in the context of the European Research Area, while respecting their voluntary nature.

(19) The activities developed under the 2019–2020 Programme should aim to promote equality between women and men in research and innovation, by addressing in particular the underlying causes of gender imbalance, exploiting the full potential of both female and male researchers, and integrating the gender dimension into the content of projects in order to improve the quality of research and stimulate innovation. Activities should also aim at the implementation of the principles relating to equality between women and men as laid down in Articles 2 and 3 of the Treaty on European Union and Article 8 of the Treaty on the Functioning of the European Union (TFEU).

(20) Research and innovation activities supported by the 2019–2020 Programme should respect fundamental ethical principles. The opinions on energy matters of the European Group on Ethics in Science and New Technologies should be taken into account where appropriate. Research activities should also take into account Article 13 of the TFEU and reduce the use of animals in research and testing, with a view to ultimately replacing animal use. All activities should be carried out ensuring a high level of human health protection.

(21) A greater impact should also be achieved by combining the 2019–2020 Programme and private-sector funds within public-private partnerships in key areas where research and innovation could contribute to the Union's wider competitiveness goals. Particular attention should be given to the involvement of small and medium-sized enterprises.

(22) The 2019–2020 Programme should promote cooperation, in particular in the field of safety, with third countries based on common interest and mutual benefit, in particular to promote continuous improvement of nuclear safety.

(23) In order to maintain a level playing field for all undertakings that are active in the internal market, funding provided by the 2019–2020 Programme should be designed in accordance with state-aid rules so as to ensure the effectiveness of public spending and to prevent market distortions such as the crowding-out of private funding, the creation of ineffective market structures or the preservation of inefficient firms.

(24) The need for a new approach to control and risk management in Union research funding was recognised by the European Council in its conclusions of 4 February 2011, which called for a new balance between trust and control and between risk-taking and risk avoidance. The European Parliament, in its resolution of 11 November 2010 on simplifying the implementation of the Research Framework Programmes[(7)], called for a pragmatic shift towards administrative and financial simplification and stated that the management of Union research funding should be more trust-based and risk-tolerant towards participants.

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(25) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. A revised control strategy, shifting focus from minimisation of error rates towards risk-based control and fraud detection, should reduce the control burden for participants.

(26) It is important to ensure sound financial management of the 2019–2020 Programme and its implementation in the most effective and user-friendly manner possible, while also ensuring legal certainty and the accessibility of the 2019–2020 Programme to all participants. It is necessary to ensure compliance with the relevant provisions of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (the 'Financial Regulation')[(8)] and with the requirements of simplification and better regulation.

(27) To ensure the most efficient implementation possible and easy access for all participants through simplified procedures, and to achieve a coherent, comprehensive and transparent framework for participants, participation in the 2019–2020 Programme and the dissemination of research results should be subject to the rules applicable to the Horizon 2020 Framework Programme, as set out in Regulation (EU) No 1291/2013 with certain adaptations or exceptions.

(28) In order to allow for the most effective use of the debt and equity financial instruments set up under the Horizon 2020 Framework Programme, while preserving the distinct nature of actions under the 2019–2020 Programme and making full use of the available budget, repayments resulting from any of those financial instruments due to the non-utilisation of funds made available under the 2019–2020 Programme or the 2014–2018 Programme should directly benefit the 2019–2020 Programme.

(29) It is important to continue to facilitate the exploitation of intellectual property developed by participants, while protecting the legitimate interests of other participants and the Community in accordance with Chapter 2 of the Treaty establishing the European Atomic Energy Community ('the Euratom Treaty').

(30) The participant guarantee funds, managed by the Commission and established pursuant to Council Regulation (Euratom) No 1908/2006[(9)] and Council Regulation (Euratom) No 139/2012[(10)], have proved to be an important safeguard mechanism which mitigates the risks associated with the amounts due and not reimbursed by defaulting participants. The participant guarantee fund established pursuant to Regulation (EU) No 1290/2013 of the European Parliament and of the Council[(11)] should also cover actions under this Regulation.

(31) In order to ensure uniform conditions for the implementation of the indirect actions under the 2019–2020 Programme, implementing powers should be conferred on the Commission to adopt work programmes and the decision on the approval of the funding of indirect actions. Those implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(12)].