



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

Deputy Director-General - Coordination of Euratom policies (responsible for Directorates D and E)

Luxembourg,  
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WeCARE  
Mr Marc Deffrennes  
Mr Richard Ivens  
Mr Serge Crutzen

**To be sent by email:**  
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**Subject: Civil society's comments on the potential role of nuclear energy in the decarbonisation**

Ref.: Ares(2021)114303, 04/01/2021

Dear Mr Deffrennes, dear Mr Ivens and dear Mr Crutzen,

Thank you for your email and letter dated 4 January 2021 to European Commission President Ursula von der Leyen, Executive Vice-Presidents Frans Timmermans, Valdis Dombrovskis, and Commissioner Kadri Simson, in which you shared your valuable opinion on the potential role of nuclear energy in decarbonisation strategy of the European Union. They have asked me to reply to you on their behalf.

The draft delegated act setting the technical screening criteria for activities substantially contributing to climate mitigation and adaptation to be adopted under the Taxonomy Regulation draws on the recommendations of the Technical Expert Group on sustainable finance (TEG). Their final report published in March 2020 provided the Commission with key technical, scientifically informed input to help determine these criteria. The Taxonomy Regulation, which sets out the framework for environmentally sustainable activities, outlines a number of conditions for the technical screening criteria that will determine their “substantial contribution” and “do no significant harm” compliance. In particular, the criteria should be coherent, take into account any relevant existing EU legislation, and build upon EU labelling and certification schemes. They should promote a high level of environmental ambition, avoid market distortion and be designed to facilitate their usability. The criteria should respect the principle of technology neutrality and take into account the life cycle.

In line with the Better Regulation principles, the Commission published the draft delegated act for public feedback.<sup>1</sup> The public consultation closed on 18th December having received some 46,591 responses. The Commission is now reviewing these detailed contributions and will consider the received feedback before adopting the delegated act and submitting it to the European Parliament and the Council for their scrutiny.

Regarding nuclear energy, the TEG, recommended in its report published in March 2020 that further technical analysis be carried out on the “do no significant harm” aspect of nuclear energy. The Commission’s Joint Research Centre<sup>2</sup> was requested to draft a technical report to this end. This report will be reviewed by experts on radiation protection and waste management under Article 31 of the Euratom Treaty, as well as by experts on environmental impacts from the Scientific Committee on Health, Environmental and Emerging Risks. The process is set to be scientifically rigorous, evidence based, transparent and to bring together a balanced set of views. It is following the principle of technological neutrality, as established in the Taxonomy Regulation. The inclusion or exclusion of the nuclear energy will be based on the outcomes of this process. It is important to bear in mind that the Taxonomy Regulation does not prohibit any investments; it is a classification tool for environmentally sustainable investments.

In the EU Hydrogen Strategy, the hydrogen produced by nuclear energy is recognised as low-carbon hydrogen, which would play an important role in the decarbonisation, and its competitiveness with special regard to its lower cost is acknowledged as well. Certain Member States have already indicated their intention to rely their low-carbon hydrogen production on nuclear energy.

Finally, it is important to emphasise the discretionary right for each EU Member State to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply. This is clearly established in the Treaty on the functioning of the European Union (Article 194). When it comes to nuclear energy, the role of the European Commission is to develop in the interest of all Member States the legal framework under the Euratom Treaty to meet the highest standards of safety, security and non-proliferation. It spans the full life cycle of nuclear installations and includes the safety of nuclear installations, the safe management of nuclear waste and the decommissioning of installations at the end of their active life. It also covers avoiding radiological risks to the workers, the public at large and the environment.

Should you have any further inquiries, please do not hesitate to contact Mr Kolos Molnár, e-mail: [kolos.molnar@ec.europa.eu](mailto:kolos.molnar@ec.europa.eu).

Yours faithfully,

Electronically signed

Massimo Garribba

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<sup>1</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12302-Climate-change-mitigation-and-adaptation-taxonomy>

<sup>2</sup> As the European Commission’s science and knowledge service, the Joint Research Centre (JRC) supports EU policies with independent scientific evidence throughout the whole policy cycle.