



## EURATOM SUPPLY AGENCY

DIRECTOR-GENERAL

Luxembourg, 14 April 2015

Mr Benedek Jávor  
Member of the European Parliament  
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**(BY E-MAIL ONLY)**

**Subject: Your letter dated as of 18 March 2015 – Shipment of spent nuclear fuel from Hungary to the Russian Federation**

Dear Mr Jávor,

I should like to thank you for your letter in subject, registered by my services under the reference Ares(2015) 1209932 on 19 of the previous month.

First of all, it is highlighted that the contract pertaining to the export of the damaged fuel assemblies was concluded by ESA in April 2010, on the basis of the then existing EU legislation. Directive 2011/70/Euratom, which came into force only later, could not have been taken into account. Compliance with Law applicable on nuclear fuel shipments at the moment these take place is a responsibility of the parties concerned.

Following our inquiries into the subject matter, we were recently informed that the contract of 2010 was, indeed, amended subsequently. The utility maintains that the amendments in question, being (allegedly) mere technical adjustments, need not have been signed by the Agency.

Our position is that ESA's signature, when required, is a necessary condition for the validity of the contract (including the amendment) concerned.

The overall developments are: The contract under consideration has been now implemented and spent fuel shipments to the Russian Federation have been carried out. Hence, there is no room for further action by the Agency. It is for the European Commission services to assess the legal status of the shipped fuel and, more generally,

the compatibility of the situation with the EU Law requirements, and to draw conclusions.

In the light of the foregoing, I could only encourage you to be in contact with the European Commission services in charge, notably the Directorate-General for Energy, in the event you wished to further follow up the issue.

Sincerely Yours,



Stamatios TSALAS

**BLOHM-HIEBER Ute**  
Head of Unit  
Euratom Supply Agency