

THE RELATIONSHIP BETWEEN EURATOM AND THE UNITED KINGDOM AFTER BREXIT

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Abstract

On 29 March 2017 the United Kingdom invoked Article 50 of the Treaty on European Union, triggering the process of withdrawal from the Union – the first Member State to ever do so. This historic moment also marked the beginning of negotiations, with representatives of the two entities focusing primarily on provisions related to the single market and citizens' rights. One topic that has been seldom brought up during these talks is the future of the United Kingdom in the European Atomic Energy Community (Euratom). The purpose of this paper is to determine whether a Member State's withdrawal from the European Union entails leaving Euratom and to identify some of the options the United Kingdom has with regard to either its continued membership of the latter or the forging of a new type of relationship with it. Issues of particular interest are the jurisdiction of the Court of Justice of the European Union over matters relating to nuclear research, materials and technology, the freedom of movement that is granted to nuclear specialists and the fact that Euratom and the European Union share their institutional organisation. Failure to reach an agreement on these subjects, which are likely to hinder negotiations, would have important short-term and long-term consequences that also warrant a closer examination.

Keywords: Article 50 of the Treaty on European Union – Euratom Treaty – nuclear common market – institutional organisation – withdrawal from Euratom.

1. Introduction

The referendum deciding the United Kingdom's withdrawal from the European Union was held on 23 June 2016, the result of numerous debates regarding British participation in the European project. Criticism was focused on the matter of immigration and on the perceived loss of national and parliamentary sovereignty¹, as a consequence of the EU's growing array of competences² and of the requirement to submit to the jurisdiction of the Court of Justice of the European Union.

One issue that has been rarely, if ever, brought up during the debates over the UK's departure from the EU is the state's participation in the European Atomic Energy Community (Euratom). The likely reason for this omission is the fact that there have not been any serious complaints regarding membership of the organisation. On the contrary, the UK has been an active participant on the nuclear common market and has greatly benefited from it. In spite of this, when

discussing plans for the UK's the departure from the EU, British authorities failed to take into consideration Brexit's consequences for the national nuclear industry.

On 29 March 2017 the United Kingdom invoked Article 50 of the Treaty on European Union, triggering the process of the state's withdrawal from the EU. The same letter also mentioned the decision to leave Euratom, with British officials considering that this was a legal necessity, due to the fact that the Treaties of the two organisations are "uniquely legally joined"³. The intention to depart from the EU (but not the specific motives behind it) had been previously stated in the Explanatory Notes for the European Union (Notification of Withdrawal) Act 2017⁴. The Notes mention that the power – provided by the Act – to notify the UK's intention of withdrawing from the EU includes the European Atomic Energy Community⁵.

Criticism regarding the lack of foresight in respect to the potential departure of a Member State from Euratom can also be aimed at the organisations' authorities: the provisions regarding the withdrawal process are common to the EU and Euratom and they

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¹ The matter of sovereignty was one of several subjects discussed during the negotiations that took place between the EU and British officials prior to the Brexit referendum, with the final deal including several concessions for the UK in that regard. See Michael Gordon, "The UK's Sovereignty Situation: Brexit, Bewilderment and Beyond...", *King's Law Journal*, 2016, <https://doi.org/10.1080/09615768.2016.1250465> (accessed on 10 March 2018).

² It has been pointed out that, far from the EU overextending itself, any development in its powers and competences is the result of decisions made by the Member States, after significant consideration and in accordance with the procedures regulated by the Treaties. See Paul Craig, "Brexit: A Drama in Six Acts", *European Law Review*, August 2016, Sweet & Maxwell, Oxford Legal Studies Research Paper No. 45/2016. Available at SSRN: <https://ssrn.com/abstract=2807975>.

³ HM Government, Department for Exiting the European Union, Nuclear materials and safeguards issues - position paper, 13 July 2017, <https://www.gov.uk/government/publications/nuclear-materials-and-safeguards-issues-position-paper>, accessed on 10 March 2018.

⁴ Available at <http://www.legislation.gov.uk/ukpga/2017/9/contents>. Article 1 paragraph (1) states that "The Prime Minister may notify, under Article 50(2) of the Treaty on European Union, the United Kingdom's intention to withdraw from the EU."

⁵ Available at <http://www.legislation.gov.uk/ukpga/2017/9/notes/division/1/index.htm>. It is specified that "The power that is provided by section 1(1) [of the Act] applies to withdrawal from the EU. This includes the European Atomic Energy Community ('Euratom'), as the European Union (Amendment) Act 2008 sets out that the term "EU" includes (as the context permits or requires) Euratom (section 3(2))."

are sparse and general. Considering the importance of matters relating to nuclear energy, a more thorough legislation should be enacted by the competent EU institutions, in order to fill this legislative vacuum. The oversight has led to the current predicament: as the UK embarks on the (rather uncertain) process of withdrawal from the EU, its course of action with regard to Euratom is even more unclear.

It is essential to identify both the consequences of the UK's departure from Euratom and the options that the British state has at its disposal, starting from the limited dispositions contained in the Treaty establishing the European Atomic Energy Community, the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). By stimulating academic discourse on this subject, new solutions could be provided, that could later on become legislation and be implemented by the competent authorities.

2. Euratom and the United Kingdom – past, present and future

The establishment of the European Coal and Steel Community was only the first step in the process of integration between its founding members⁶. In 1957, in Rome, the same six states decided, based on an economic impetus and less of a political one⁷, to establish two more regional organisations, following the ECSC model: the European Economic Community and the European Atomic Energy Community⁸.

It is important to note that, since the moment of their founding, the two Communities were legally distinct organisations, despite being interlinked and having the same membership. At first, the institutional systems of the EEC and Euratom were also separate, but, for practical and budgetary purposes, they were merged later on, leading to the current situation – two organisations, each with its own legal personality, run by the same authorities, with the same membership⁹. The UK's withdrawal decision has made it apparent that this model of functioning creates difficulties for any state that would be interested in being part of one organisation, but not the other.

While the primary objective behind the creation of the EEC was to establish a common market, Euratom's goal was to ensure the peaceful handling of matters related to atomic energy¹⁰, a preoccupation amplified by the establishment of the first civilian

nuclear reactors, whose functioning would need both materials of a sensitive nature and specialists competent to work with them. It has also been noted that, at the time of Euratom's founding, there was a particular interest in placing German nuclear industry under supranational control¹¹.

At present, the Euratom Treaty continues to regulate a common market where the free movement of goods, people, capital and services is applied to a specific domain: that of nuclear energy, which necessitates a very thorough legislation in order to ensure the safety of all participants. For this reason, Euratom established a set of standards that govern the safety of transportation of nuclear goods and of research¹².

One of the most important projects currently run under the guidance of Euratom is the International Thermonuclear Experimental Reactor (ITER), in Southern France, which is the result of a 35-year collaboration between the Member States of the EU (the organisation is a founding member and provides approximately 50% of the funding), China, India, Japan, Korea, Russia and the USA. If successful, ITER (currently the largest nuclear fusion reactor in the world) could provide a solution for limitless and non-polluting atomic power¹³. This project could suffer serious disruptions if its members are not prepared for the consequences of the UK's departure from Euratom and the EU.

2.1. Accession of the United Kingdom to Euratom

The UK refused to participate in the founding of Euratom and the EEC, withdrawing from the negotiations held at Val-Duchesse, in 1956, regarding the establishment of the two Communities¹⁴. The UK's reticence to participate in the European project was based on several reasons: the fact that the British prioritised their relationship with the Commonwealth over that with European states; the UK's preference for a cooperation system, as opposed to an integration, supranational one; British interest for the creation of a free trade area, and not an economic organisation concentrated on the elaboration of sectoral policies¹⁵. The UK was also wary of ceding part of its sovereignty and competences to a supranational entity, whose authority and legal jurisdiction it would have to respect. Some of these complaints were again brought up during

⁶ Belgium, France, Germany, Italy, Luxembourg and the Netherlands.

⁷ Paul Craig, Gráinne de Búrca, *EU Law: Text, Cases, and Materials*, Fifth Edition, Oxford University Press, New York, 2011, p. 6.

⁸ The basic plan of what would later become the EEC Treaty and the Euratom Treaty was contained in the Spaak Report, published in 1956.

⁹ Augustin Fuerea, *Manualul Uniunii Europene*, Sixth Edition, Universul Juridic, Bucharest, 2016, pag. 25.

¹⁰ Augustin Fuerea, *Dreptul Uniunii Europene – principii, acțiuni, libertăți*, Universul Juridic, Bucharest, 2016, p. 16.

¹¹ Wolfram Kaiser, *Using Europe, Abusing the Europeans - Britain and European Integration, 1945–63*, Palgrave Macmillan, 1999, p. 96.

¹² For an example of such dispositions, see Council Directive 2011/70/EURATOM of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste.

¹³ <https://www.iter.org/proj/inafewlines#1>, accessed on 10 March 2018.

¹⁴ Augustin Fuerea, „BREXIT – trecut, prezent, viitor”, *Curierul judiciar*, nr. 12/2016, C.H.Beck, Bucharest, p. 631.

¹⁵ Emmanuel Mourlon-Druol, *The UK's EU vote: the 1975 precedent and today's negotiations*, Bruegel Policy Contribution, Issue 2015/08, p. 2.

the debates preceding the Brexit referendum, and influenced the outcome of the vote.

When the UK finally joined the European Communities, it committed to adhering to the Euratom Treaty's provisions, many of which are interdependent with those of the TEU and TFEU (the former EEC Treaty). As long as British membership of the organisations did not experience major setbacks, the aforementioned link was not an issue for the state. However, once the UK triggered Article 50 of the TEU, both the state and the EU were faced with an unforeseen question: what is to become of the UK's membership of the Euratom? The fact that the EU and Euratom are closely intertwined could pose a problem when attempting to continue being a members of only one of the organisations. At the same time, even if this were allowed to happen, the practicalities of it might hinder the functioning of Euratom. Additionally, many of the issues which lead to the UK deciding to leave the EU, such as the jurisdiction of the Court of Justice of the EU over the UK and the freedom of movement granted to workers (in this case, to specialist in the field of nuclear research), would still exist if it were to retain its membership of Euratom.

2.2. Relevant dispositions of the Euratom Treaty

According to the Treaty's Preamble, the Community's founders wished to "create the conditions necessary for the development of a powerful nuclear industry which will provide extensive energy resources, lead to the modernisation of technical processes and contribute, through its many other applications, to the prosperity of their peoples", "to create the conditions of safety necessary to eliminate hazards to the life and health of the public" and "to associate other countries with their work and to cooperate with international organisations concerned with the peaceful development of atomic energy".

Article 93 contains dispositions regarding the free movement of goods, prohibiting "all customs duties on imports and exports or charges having equivalent effect, and all quantitative restrictions on imports and exports" in respect of nuclear material.

Free movement of specialists is governed by Article 96: "The Member States shall abolish all restrictions based on nationality affecting the right of nationals of any Member State to take skilled employment in the field of nuclear energy, subject to the limitations resulting from the basic requirements of public policy, public security or public health" and Article 97 "No restrictions based on nationality may be applied to natural or legal persons, whether public or

private, under the jurisdiction of a Member State, where they desire to participate in the construction of nuclear installations of a scientific or industrial nature in the Community".

Article 101 contains provisions regarding Euratom's external relations: "The Community may, within the limits of its powers and jurisdiction, enter into obligations by concluding agreements or contracts with a third State, an international organisation or a national of a third State", with Article 206 specifically mentioning the possibility of concluding an association agreement: "The Community may conclude with one or more States or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures".

Article 106a lists those Articles of the TEU and TFEU that apply, accordingly, to Euratom. Among them are the Articles governing the process of joining the EU, as well as those concerning withdrawal from the organisation, dispositions concerning the institutions of the EU and matters that can be brought before the CJEU.

2.3. The current relationship between Euratom and the United Kingdom

The UK has been an active participant on the atomic energy common market and has benefited greatly from its provisions. As a consequence, there are many projects and experiments, currently being run on British territory, that depend on Euratom and the EU and that involve the participation of the other Member States and their citizens.

All eight nuclear plants in the UK are owned by a French government owned utility, EDF. A new plant is being built, under the same ownership, in Somerset, at Hinkley Point (with partial Chinese funding). Should the UK leave Euratom, the right of ownership over these facilities could become a major point of contention.

The Culham Centre for Fusion Energy, the UK's national fusion research laboratory, located in Oxfordshire, is partially funded by the EU and employs EU nationals¹⁶. This laboratory is currently the site of the Joint European Torus, the world's largest operational magnetic confinement plasma physics experiment and the only operational fusion experiment capable of producing fusion energy¹⁷.

Another issue that will need careful reviewing is the fact that the UK houses the world's largest civil plutonium stockpile, at Sellafield¹⁸, in Cumbria, the largest nuclear facility in Europe, owned by the Nuclear Decommissioning Authority (NDA)¹⁹. The site has

¹⁶ UK Atomic Energy Authority, *Mission and Goals 2017/18*, p. 3, http://www.ccfef.ac.uk/assets/documents/ukaea_missiongoals17-18.pdf, accessed on 10 March 2018.

¹⁷ For more, see <https://www.euro-fusion.org/JET/>.

¹⁸ The world's first commercial nuclear power station was developed there.

¹⁹ The NDA is a non-departmental public body created through the Energy Act 2004, that reports to the Department for Business, Energy and Industrial Strategy. Among its objectives are ensuring that all waste products, both radioactive and non-radioactive, are safely managed

been operational since the 1940s, with the UK beginning to amass plutonium in the 1950s, fearing the potential running out of its uranium supplies. This did not come about, leaving the UK with the responsibility of storing immense amounts of plutonium, a task that poses numerous cost, security and safety challenges²⁰. As long as the state has been a member of Euratom, the Community's civil safeguards have applied, with funding being provided from its resources.

Should the UK leave Euratom, both the procedures and the costs of running Sellafield would have to be reconsidered and could pose serious safety issues for both the host state and for the rest of Europe. According to Euratom provisions, the forms of uranium and plutonium that are used in nuclear fuels and some of the resulting waste belong to the Community²¹. Consequently, should a decision be made to move the Sellafield stockpile to a different state that is part of Euratom, a new issue would arise: the transfer of reprocessed nuclear fuel is governed by legislation that will no longer apply to the UK after it leaves the Community. On the other hand, if Euratom and the UK reach an agreement to transfer ownership of the stockpile to the state, the UK will find itself with increased responsibilities and costs.

2.4. Consequences of leaving Euratom

Withdrawing from Euratom could have serious consequences in several key areas, ranging from the UK's supply of nuclear materials to its opportunities for research and development.

In recent years, approximately 20% of the UK's energy supply came from nuclear power²², which uses nuclear fuel – that the UK does not produce nationally. Instead, it relies on external sources, and leaving Euratom would hinder the import of such materials and would affect the long-term supply of nuclear fuel.

Another consequence of leaving Euratom would be the interruption to the supply of medical isotopes, which are used in nuclear medicine, especially for the running of medical tests and cancer treatments. Similarly to the case of nuclear fuel, the UK also lacks the necessary reactors for the production of this type of isotopes, importing them instead from Belgium, France and the Netherlands²³.

The British Nuclear Medicine Society has investigated potential sources for medical isotopes in

the UK and reached the conclusion that leaving Euratom would have a strong impact on their supply and cost. Difficulties could also arise for patients who travel between Northern Ireland and the republic of Ireland in order to receive radioisotopes for diagnosis or therapy, as leaving the EU and Euratom would mean creating a border between the two, and undergoing the corresponding formalities would create delays and supplementary costs that could have very serious repercussions for the patients' health²⁴.

Following their departure from Euratom, it is also possible that the British will see their role in nuclear power research diminished. This is an area of particular interest to Euratom, and, by withdrawing from it, the UK would lose vital access to research funds, facilities and experts.

It should also be mentioned that Euratom reports to the International Atomic Energy Agency. If the UK left Euratom, it would need to reach a new agreement with the IAEA.

In May 2017, the UK Parliament's Business, Energy and Industrial Strategy Committee issued a report²⁵ regarding the consequences, in respect of energy and climate change policy, of leaving the EU and Euratom. The Committee echoed the concern of the nuclear industry that "new arrangements for regulating nuclear trade and activity could take longer than two years to set up" (the allotted time according to Article 50 of the TEU) and warned that "any interval between the UK leaving the European Atomic Energy Community (Euratom) and entering into secure alternative arrangements would severely inhibit nuclear trade and research and threaten power supplies". The Committee recommended that the British Government seek to "delay exit from Euratom, if necessary, to be certain that new arrangements can be in place on our departure from the EU".

2.5. Future possibilities and obstacles

Several solutions have been proposed, both by representatives of the British nuclear industry and by politicians, officials and legal experts. Some of these proposals are more feasible than others, but authorities have yet to decide upon one of them.

The option that would allow the UK to keep its current legislation and standards concerning the nuclear

and implementing policy on the long-term management of nuclear waste. For more, see <https://www.gov.uk/government/organisations/nuclear-decommissioning-authority/about>.

²⁰ Houses of Parliament, Parliamentary Office of Science & Technology, *Managing the UK Plutonium Stockpile*, POSTnote nr. 540, September 2016.

²¹ Article 86 of the Euratom Treaty: "Special fissile materials shall be the property of the Community. The Community's right of ownership shall extend to all special fissile materials which are produced or imported by a Member State, a person or an undertaking and are subject to the safeguards provided for in Chapter 7".

²² National Audit Office, The Department of Energy & Climate Change, *Nuclear power in the UK*, 13 July 2016, <https://www.nao.org.uk/report/nuclear-power-in-the-uk/>, accessed on 10 March 2018.

²³ <https://www.instituteforgovernment.org.uk/explainers/euratom>, accessed on 10 March 2018.

²⁴ Press Statement on Euratom and supply of medical isotopes following Brexit from the British Nuclear Medicine Society, supported by the Royal College of Radiologists and Royal College of Physicians, <https://www.bnms.org.uk/news/press-release-british-nuclear-medicine-society-statement-on-leaving-euratom.html>, accessed on 10 March 2018.

²⁵ Available at <https://publications.parliament.uk/pa/cm201617/cmselect/cmbeis/909/90902.htm>, accessed on 10 March 2018.

industry would be that of reversing Brexit with regard to Euratom.

Several issues arise when considering this course of action: once the notification letter has been sent, triggering the withdrawal process, can it be revoked? If the answer is yes, the next point to consider is whether EU would have to consent to such a measure. Furthermore, the practicalities of being a member of Euratom, but not of the EU, would have to be taken into consideration. It is debatable whether the two organisations, albeit legally distinct, can operate separately and have different membership.

According to Article 50 paragraph (3) of the TEU, there are two possible moments when the Treaties cease to apply: either the date of entry into force of the withdrawal agreement or, in the absence of such an agreement, two years after the letter of notification has been sent (unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period). Consequently, before the two year period expires, it should be possible for the Member State to rethink its position. This interpretation of the dispositions would also benefit the EU (and Euratom, respectively), considering the fact that a Member State choosing to stay in the organisation would be to its advantage²⁶.

Article 106a of the Euratom Treaty mentions that Article 50 of the TEU “shall apply to [the Euratom Treaty]”. If we were to interpret this disposition as meaning that invoking Article 50 automatically triggers the process of leaving both organisations, the possibility of withdrawing the letter of notification would mean renouncing the process of leaving both the EU and Euratom, something that the UK has yet to decide it wants.

If we were to interpret Article 106a of the Euratom Treaty as meaning that the withdrawal process itself is similar for both organisations, but that the triggering of it can regard only one, several other issues arise. One such problem is whether the letter of notification can be partially amended - can the UK change its mind regarding Euratom, but maintain its position concerning the EU?

If the answer is yes, the next problem to work out is whether the EU’s consent is mandatory in such a situation. If the answer to the question of partial amendment is negative, a possible solution would be to revoke the letter in its entirety, and issue a new one, that would only mention leaving the EU. However, such a move would necessarily involve the consent of the EU.

Even if the UK were to amend its notification letter and the EU to accept such a measure, one major impediment would remain: the UK would still have to respect the EU institutions’ authority in matters regarding the common nuclear market and would have to submit to the jurisdiction of the Court of Justice of the European Union. The state would also have to recognise the freedom of movement of nuclear experts who would be interested in working in the UK, for EU-funded reactors and plants. Considering that the CJEU’s jurisdiction and the free movement of people have been major points of contention prior to the Brexit referendum, any solution involving their continuation would likely be opposed.

If the UK were to remain a full member of Euratom, several legal and practical complications would arise. The British authorities would have to ensure that all existing EU instruments relating to Euratom remain in force in the UK. The state would also have to continue incorporating in its national law any future regulations or directives relating to Euratom, despite the fact that British involvement in preparing and negotiating such regulations and directives would be limited as a consequence of no longer being represented in the legislative and executive institutions of the EU.

One option that has been repeatedly brought up, with regard to the nature of the future relationship between Euratom and the UK, is that of an “associate membership” of Euratom, with Switzerland being mentioned as an example of the type of rapport that could be established after Brexit. However, all states that enjoy full benefits with regards to funding and access must submit to the jurisdiction of the CJEU in matters relating to the nuclear industry²⁷. Once again, the reluctance of the UK to submit itself to the authority of the EU’s judicial institution proves to be an impediment.

Furthermore, Switzerland is an associated country (not an “associated member”) of Euratom and, even so, it must respect the CJEU’s jurisdiction and the dispositions regarding the free movement of nuclear scientists²⁸. The two operate under a formal cooperation agreement²⁹ that centres on thermonuclear fusion and plasma physics. This agreement does not fulfil the role of an associate membership and does not make Switzerland an “associated state” of Euratom.

²⁶ For this opinion, see Paul Craig, “Brexit: A Drama in Six Acts”, *European Law Review*, August 2016, Sweet & Maxwell, Oxford Legal Studies Research Paper No. 45/2016.

²⁷ David Phinnemore, “There’s no such thing as ‘associate membership’ of Euratom”, *LSE EUROPP Blog*, 18 July 2017, <http://blogs.lse.ac.uk/europpblog/2017/07/18/no-such-thing-as-associate-membership-euratom/>, accessed on 10 March 2018.

²⁸ Switzerland participates in several Horizon 2020 research programmes and was temporarily suspended from some of them as a consequence of introducing immigration quotas in 2014.

²⁹ Agreement for scientific and technological cooperation between the European Union and European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation to Horizon 2020 — the Framework Programme for Research and Innovation and the Research and Training Programme of the European Atomic Energy Community complementing Horizon 2020, and regulating the Swiss Confederation’s participation in the ITER activities carried out by Fusion for Energy, published in the Official Journal of the European Union, L 370, 30 December 2014.

Ukraine also cooperates with Euratom on the basis of an association agreement³⁰, and the rapport between the two does not entail free movement of nuclear scientists, with the disputes being settled by Ukrainian courts of justice. This model of cooperation would be closer, in terms of obligations for the state, to what the UK wants from a future relationship with Euratom, but it also provides fewer advantages.

Euratom also has less onerous cooperation agreements with other countries such as the USA, Australia, South Korea, Canada, Japan. These third-party countries help fund projects such as the previously mentioned International Thermonuclear Experimental Reactor, which is run by Euratom. But resorting to such an agreement could cause difficulties, considering the UK is extremely integrated into the EU's nuclear energy market.

Another option that the UK has at its disposal, that would be the most difficult to enact, is to become completely independent from Euratom and the common nuclear market and to create its own national legislation regarding nuclear industry and research. To that purpose, the British Parliament has drawn up a Nuclear Safeguards Bill, that will offer an expanded role to the Office for Nuclear Regulation, the UK's national nuclear regulator, which will assume several new responsibilities once the UK exits Euratom. The Bill aims to maintain existing standards in the matter of safeguards.

3. Conclusions

The necessity for a well regulated relationship between Euratom and the UK is obvious when considering the advancement and wellbeing of both entities. The legal nature of said relationship remains uncertain, and is bound to depend as much on political factors, as it is on economical, legal and scientific ones. While membership of Euratom is intrinsically linked to that of the EU, in order to maintain even a more casual bond, similar to that of third-party states, into the

future, the United Kingdom would have to accept ceding at least a modicum of sovereignty to the organisation and its institutions. It remains to be seen whether the UK will be willing to compromise on issues such as the freedom of movement of nuclear specialists and the jurisdiction of the CJEU over matters relating to the nuclear common market in order to enjoy the many benefits that come with being a participant in an international project of such magnitude.

Two years could prove insufficient, for a state who has been deeply involved and active on the common nuclear market, as is the case of the UK, to create a national regulation system and to establish independent agreements with third countries that it had been previously interacting with through Euratom. Failure to accomplish these goals could negatively affect not only the departing country itself, but all other Member States of Euratom as well, due to the fact that most projects run by the Community involve several participants, through funding, specialised workers and various other types of contributions. Moreover, a potential breach in safety regulations could cause extremely serious effects which could be felt all across Europe.

Bearing in mind the complex nature of this domain, it is surprising to note the current lack of a comprehensive strategy prepared for enforcement in case of departure of a Member State from Euratom. As a consequence of drawing attention to this oversight, discussions could be stimulated concerning the process and consequences of leaving the Community, with the objective to identify more solutions.

In the future, thoroughly regulating the process of withdrawal from Euratom – and from the EU – should be a priority, in order to avoid a repetition of the current state of uncertainty. Particular attention should be paid to safety guidelines, ensuring the existence of a supply of time-sensitive medical resources, protecting the rights of EU citizens involved in Euratom projects and clarifying the situation of property rights over facilities and resources housed by the withdrawing state.

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