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NIRS
Nuclear Information & Resource Service

wise
World Information Service on Energy
founded in 1978

EU treaty reform must also be energy-related

Niels Henrik Hooge, NOAH Friends of the Earth Denmark

For some time, EU treaty reform has been on the agenda of the EU institutions and some of the biggest member states, but so far without real progress. In order for that to happen, European constitutional amendments pursuant to [Article 48 of the Treaty on European Union \(TEU\)](#) has to be proposed by either a EU member state, the European Parliament or the European Commission. A proposal has to be submitted to the European Council, which the Council then adopts by simple majority and subsequently convenes a convention that examines the proposals for amendments, followed by recommendations to and inter-governmental conference of representatives of all the EU member states. All member states then have to agree on the amendments.

A fair question would be, how significant the need for treaty reform really is? And the answer could be: more relevant than ever. The last major treaty amendment took place in 2007, which was the adoption of the Lisbon Treaty. Today, almost two decades later, the main drivers for treaty amendment are the EU enlargement process and the recommendations from [The Conference on the Future of Europe](#).

In the first case, it is widely recognised, that if EU-27 expands to EU-31 or even EU-36, a streamlining of the decision-making process would be necessary that would require treaty reform. In this perspective, progress in the treaty reform process could be viewed as a parameter for progress in the enlargement process. In the second case, it should be noted that although the recommendations from The Conference for the Future of Europe presuppose treaty reform, they do not call for treaty amendment in the energy field. It

should also be noted that about half of the EU member states have expressed its aversity to reform.

Everything is on the table

So, what should a treaty amendment process include? This is a relevant question, because if a constitutional amendment procedure under TEU Article 48 is established, everything is in principle on the table, and not only the aforementioned issues.

Announcements by member states and the European Commission have provided some information on this topic: in [a speech in Prague](#) in 2022, the German Chancellor Olaf Scholz called for reform of the European treaties, partly in order to protect the EU's decision-making process from being blocked by one or a few member states, and partly following the recommendations from The Conference on the Future of Europe. An almost similar message was delivered by the European Commission's president, Ursula von der Leyen, in her [state of the union address](#) in 2023, where she emphasised her and the Commission's support for the European parliamentarians who want to reform the EU to make it work better for citizens, including through a European convention and treaty change if and where it is needed.

More information on the possible content of amendments, which also includes amendments in the energy field, is provided in a [European parliamentary resolution](#) from November 2023. E.g., see paragraph 33 in the resolution:

"Calls for the creation of an integrated European energy union; suggests that the Union's energy system must be affordable and based on energy efficiency, renewable energies

and in conformity with international agreements to mitigate climate change;”

Among others, the above-mentioned is manifested in amendment 167 in the Annex to the resolution, where the current provision in TFEU Article 194, paragraph 2, subparagraph 2, is deleted:

“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).”

This would by all standards constitute a clear signal for the end of nuclear at the European constitutional level, because it takes away the individual member states’ right to choose an energy mix that does not comply with the constitutional requirements.

The nuclear elephant in the room

However, there is a far cry from a European parliamentary resolution, adopted by a slim majority of MEPs, to the comprehensive constitutional reforms that would be needed, if the European Union is to be provided with a new overriding vision in the energy field corresponding to the demands of the Paris Agreement.

In order for this to happen, a sustainable European energy transition will have to rely on a new and different energy system, based on a stable framework for the long-term deployment of renewables in the European electricity markets.

First and foremost, as a minimum, a level playing field has to be created for the sustainable energy sources, which would also signify a level playing field at the constitutional level. This implies reform or abolishment of [the Euratom Treaty](#) that for more than sixty years has protected European nuclear power against competition from other energy sources. The treaty is crucial to the development and preservation of nuclear technology in Europe because of its

constitutional and institutional legitimacy and its support mechanisms that help keep nuclear power alive.

Through its very existence, Euratom is important for the development and maintenance of nuclear technology in Europe, as well as through the institutional credibility and specific support mechanisms that it provides. The overall intentions of the Treaty can be seen in its preamble and in Article 1, which states that *“nuclear energy represents an essential resource for the development and invigoration of industry”* and that Euratom must create the conditions *“necessary for the speedy establishment and growth of nuclear industries”*.

Euratom provides a permanent boost to the economics of the nuclear industry by enabling direct and indirect financial support of nuclear power. Also, there is no decisional power by European Parliament on matters relating to Euratom and loans for nuclear power can be granted without consulting the Parliament. Half of the EU Member States do not have nuclear power programs, but – because of Euratom – pay for research and development in the field of fission and fusion. According to [Green Budget Germany](#), EU has spent [13.7 billion euros on the Euratom program since 1984](#) until 2019.

Furthermore, the Euratom Treaty is not subject to the application of the precautionary principle or of the principles that preventive action should be taken, that environmental damage should be rectified at source or that the polluter should pay, which otherwise constitute the pillars of EU environmental law.

Reform or abolishment of the Euratom Treaty

In the past, six EU Member States – Austria, Sweden, Germany, Hungary, Ireland and Denmark – have noted that the Euratom Treaty has not been substantially amended since its entry into force and needs to be brought up to date. However, the most recent communication from the European

Commission on Euratom reform falls far short of this demand.

In 2019, the Commission published a [communication on EURATOM revision](#), stating that treaty reform should be seen in the longer-term, post-2025 perspective. A high-level group of experts should be established with a view to considering how, on the basis of the current treaty, its democratic accountability could be improved. However, the communication contained nothing about abolishing Euratom's nuclear promotional dimension or touched on the many other issues that could be perceived as problematic.

So, what would be needed in order to see through real reform? One option could be to transfer responsibility for non-proliferation, nuclear safety, radiation protection, dismantling, waste management, cross border collaboration in safety and civil protection, etc. from Euratom to other EU institutions in cooperation with [the International Atomic Energy Agency \(IAEA\)](#). Also, to take responsibility for a strong nuclear liability regime and a powerful European Nuclear Safety and Security Inspectorate and Authority covering nuclear power plants and temporary as well as final nuclear waste storage under a unified regulatory framework, which could be introduced as an alternative to the IAEA.

Furthermore, Euratom's research budget could be integrated into the budgets for other energy technologies in EU's Framework Programmes for Research and Technological Development.

It would also be of crucial importance, that the European Parliament should be given co-decision and oversight authority in all basic questions, hitherto related to Euratom. As it is now, Euratom is beyond democratic control.

Finally, it should be noted, that if comprehensive EURATOM reform or abolishment of Euratom within a reasonable time frame is not possible, [unilateral](#)

[withdrawal from the Euratom Treaty](#) by one or more member states could be an option.

The need for a Treaty on Renewable Energies, Energy Efficiency and Energy Saving

Because of the support of nuclear power, particularly renewable energies are put in an unfavourable position. Although their costs of are falling, neither the positive externalities of renewables, nor the negative externalities of the competing energy sources are sufficiently priced in the energy markets, which is detrimental to the growth of renewable energies. Furthermore, past support of nuclear power is already built into nuclear power's infrastructure.

None of the measures so far proposed by the European Commission or adopted by the European Council are sufficient to reach the objective of [the Paris Agreement](#) to limit anthropogenic global warming to 1.5° or 2° C above pre-industrial levels. Particularly, implementation of [EU's green deal](#) would need a framework in primary law in order to be successful in decarbonising EU's energy system, which accounts for more than 75% of EU's greenhouse gas emissions.

In this perspective, nuclear power is not a realistic solution to the climate crisis or an environmentally sustainable economic activity and should not be classified as such. In terms of greenhouse gases abatement efficiency per euro, particularly energy conservation and deployment of renewables are more effective than nuclear power. Before accounting for meltdown damage and waste storage, a new nuclear power plant costs 2.3 to 7.4 times that of an onshore wind farm (or utility PV farm), takes 5 to 17 years longer between planning and operation, and [produces 9 to 37 times the emissions per unit of electricity generated](#).

Furthermore, the systemic impact of nuclear power is an obstacle to the development of ambitious demand side policies and renewable programmes everywhere. The problems facing nuclear power - accidents and

proliferation risks, [waste management](#), potential terrorist attacks, etc. - must also be taken into consideration.

All this leads to the anchoring of obligations for the EU to adopt appropriate measures in its primary law by defining binding targets at the national as well as the European level in order to promote energy savings, energy efficiency and achieve a gradual increase in the share of energy from renewable sources in the Union's energy consumption - i.e. to the adoption of a *Treaty on Renewable Energies, Energy Efficiency and Energy Saving*. It could be argued that such a treaty would be necessary even if the Euratom Treaty is reformed or abolished, and particularly if it is not.

The European Energy Transition Protocol

The good news is that a proposal for a Treaty on Renewable Energies, Energy Efficiency and Energy Saving already exists: In February 2016, the Austrian government presented a [proposal for a protocol](#) to be annexed to [the Treaty on European Union](#) and [the Treaty on the Functioning of the European Union](#). The initiative, triggered by the Paris climate agreement, intended to anchor a European energy transition at the constitutional level by pursuing policy goals for renewables, energy efficiency and energy savings, promoting research and investment, and supporting EU member states' activities in these areas.

The fully drafted text, which has the Energy Union as background, represents a considerable "added value" compared to existing European law: it introduces new institutions and substantive rules through an expansion of pre-existing, mainly secondary and extrajudicially consolidated norms, which it confers with primary law status. In many cases, obligations are introduced, where previously only competences were mentioned.

Among other things, the protocol commits the EU to:

- Set binding targets for renewables and energy efficiency and gradually increase the share of energy from renewable energy sources throughout the EU's energy supply.
- Set binding national targets for renewables and energy efficiency with a view to achieving EU's collective targets and the duty of the EU member states to adopt national action plans with the necessary measures and to provide regular information on this.
- Create the framework conditions for the promotion of joint projects between two or more member states.

If the protocol was to be adopted, the member states would still have the right to determine the structures of their energy supplies themselves, but the energy transition's requirements for the integration of environmentally friendly forms of energy would become part of all their policies and initiatives, which would need to aim for a high level of environmental protection. The European Commission would have to play a more active role and in its functions be obliged to promote a high degree of energy efficiency and saving, e.g., in development, coordination and financing of R&D programmes.

The EU institutions would also have to promote measures that make energy markets more flexible both on the supply and demand side in order to prepare for more integration of renewables and to take into account the development opportunities for small and medium-sized enterprises and independent energy producers. Furthermore, the Union and the member states would have to come up with suitable tools that could stimulate investments in renewables, energy efficiency and energy savings, and the member states would have to include mandatory considerations on this in their public tenders.

Russia's illegal war against Ukraine, partly financed by exportation of fossil and nuclear fuels to Europe, and the insufficient measures in the EU to promote renewables, energy efficiency and energy saving since the introduction of the protocol in 2016, have made protocol [more relevant than ever](#).

Unfortunately, even though the Austrian government initiative has won support in some member states, [including those, which actively support Euratom reform](#), it has only received limited attendance. If a treaty amendment procedure is initiated, the protocol could, however, gain new political relevance.

Switch of treaties

Taking into consideration that it is not enough either just to reform or abolish the Euratom Treaty or adopt a Treaty on Renewable Energies, Energy Efficiency and Energy Saving, and that any campaign to reform the EU treaties in the energy field “must walk on two legs”, a concept of switch of treaties has been developed by an Austrian expert of international and constitutional law, Prof. Dr. Michael Geistlinger, from the University of Salzburg. In this enterprise, he was [inspired by the results](#) of the conference [Energy Transition in Europe: Options for Constitutional Reform](#), organised by NOAH Friends of the Earth Denmark and others in 2018.

[In his treaty draft](#), Prof. Geistlinger sets out to integrate the key elements of the Austrian government's energy transition protocol directly into the Euratom Treaty, thereby fundamentally changing its character and providing for a switch of nuclear energy to renewable energy in Europe. The idea is to end the inconsistent parallel systems of an EU being a world-wide leader in protection of the environment and keen to fulfil the climate goals on one hand, and a Euratom being dealt with by the same bodies, disregarding environment and climate goals.

Thus, the switch of treaties implies a gradual replacement of Euratom by the EU focussing on renewables, a gradual phasing out from nuclear power all over Europe, gradual liquidation of Euratom, provision of safety guarantees for the phasing out period, and gradual transition of nuclear phasing out into the overall EU energy system. At the end of this process, EU will cover all energy at the constitutional level and all energy will be renewable.

The prospects for treaty reform in the energy field

In the mid and long term, the timeline for treaty reform, irrespective of its content, ultimately depends on developments in the accession process. The fact that the negotiation frameworks for the accession negotiations for Moldova and Ukraine – the latter in the EU perspective by far the most important of the candidate countries – have now been greenlighted, could be a step in the direction of treaty reform.

However, in July this year, the Belgian EU presidency, which was expected to speed up accession and treaty reform, will be replaced by a Hungary presidency, in regard to which expectations are low. EU presidencies come in blocks of threes, and in the next block with Poland (first half of 2025), Denmark (second half of 2025), and Cyprus (first half of 2026), Denmark and Poland have already signalled their opposition to treaty reform. In addition, at least 11 other member states until now – Bulgaria, the Czech Republic, Croatia, Estonia, Finland, Lithuania, Latvia, Malta, Romania, Sweden, and Slovenia – have been against reforming the treaties.

The far right-wing winds that are currently blowing across Europe, are not helpful either: in addition to their environment and climate scepticism, the radicalised right-wing parties are Eurosceptics and oppose any amendment to the treaties that could benefit European integration.

The good news, at least for energy-related treaty reform, is that the European Union is built on crises and that the biggest crises of all – the environmental and climate crises – at some point will make it inevitable for Europe to adapt to the demands of the Paris Agreement, including at the constitutional level.

In conclusion, it must be emphasised that process, politics, strategy and tactics matter. Considering that Euratom is an energy treaty, it would make political, strategic and tactical

sense to include all energy-related proposals for constitutional reform simultaneously in the amendment procedure, if and when it emerges: the EU needs a new overriding vision in the energy field, which only a treaty on renewables, energy efficiency and energy saving can provide; there is a substantial need for a stable framework for the long-term deployment of renewables; and in a negotiation situation it would make sense to have as many sensible options on the table as possible in pursuing a sustainable green European energy transition.

Greenpeace study shows that building nuclear power plants is a big financial risk

Jan van Evert, editor Nuclear Monitor

Greenpeace Germany has published a report titled 'Fission for Funds: The Financing of Nuclear Power' by Jens Weibezahn from the Copenhagen School of Energy Infrastructure, and Björn Steigerwald from the Technische Universität Berlin. The report provides a detailed overview of the various financing models currently in use or under development for nuclear power plants in Europe. This risk is high because of high upfront costs, combined with long construction periods, financing costs, fluctuating levels of public acceptance, and geopolitical factors.

Several EU countries, including France, the Netherlands, Poland, Sweden, Slovakia, Slovenia and the Czech Republic, are betting heavily on nuclear power to reduce their CO₂ emissions. However, their financial room for manoeuvre is reduced by higher interest rates, high deficits and budget cuts. The report

shows that government support for expensive, long-term, high-risk projects such as nuclear power plants is increasingly difficult to justify. One of the main conclusions of the report is that financing models and examples from different countries show that in order for nuclear power plants to become financially healthy, the government has to de-risk the investment for private investors. This means that taxpayers and electricity consumers bear the financial risks.

Another problem is the declining cost of renewables. Since 2007, the EU added 74 EPR reactors' capacity worth of solar and wind power. In contrast, the cost of nuclear power increased.

A few recent examples of cost overruns show the enormous financial risks of constructing nuclear power plants.

Projects	Initial construction cost (bn €)	Final construction cost (bn €)
Flamanville 3 (France)	3.3	13.2
Mochovce 3 and 4 (Slovakia)	2.8	6.2
Olkiluoto 3 (Finland)	3.0	12.0

All three projects took at least 11 years longer to build than predicted. These problems and several other discussed in the report show clearly that nuclear power is a bad investment.

Read the full report [here](#)

Greenland Is Under Attack

After the last general election in Greenland in 2021, which was dubbed “the uranium election”, because it was perceived as a referendum on uranium mining and the controversial Kvanefjeld mining project, Greenland’s uranium ban was reinstated. Since then, there have been several attempts to undermine the ban and uranium mining will once again be on the political agenda during the next parliamentary election, which will be held within a year.

The struggle to keep uranium mining out of Greenland does not only take place at the ballot box: both an arbitration court in Copenhagen and a court of justice in Greenland are currently considering whether to accept a complaint by the Australian mining company Energy Transition Minerals, ETM (formerly known as Greenland Minerals Ltd., GML). ETM, the owner of the huge Kvanefjeld project in Southern Greenland, is demanding approximately 10 billion EUR in compensation from the Greenlandic government - equivalent to almost four times Greenland’s GDP - and is at the same time trying to involve the Danish government in the proceedings.

ETM, which has a permit to explore for minerals in Kvanefjeld, has applied to the Greenlandic Department of Mineral Resources to extract uranium and rare earth elements in its license area, but has been refused, partly because uranium mining in Greenland has been prohibited again.

The case has generated interest far beyond Greenland and the Danish Kingdom: in addition to the fact that it is the largest court case in the history of the Kingdom, it is related

to its largest industrial project ever. Kvanefjeld contains the [second largest deposit of uranium](#), possibly the [largest deposit of thorium](#), as well as the [third largest deposit of rare earths](#) in the world.

Considering that there are now [more than 100 active large-scale mining licenses](#) in Greenland covering thousands of km² and almost all owned by international mining companies, the problems caused by ETM could be a taste of what might happen in the future.

A convincing legal defence

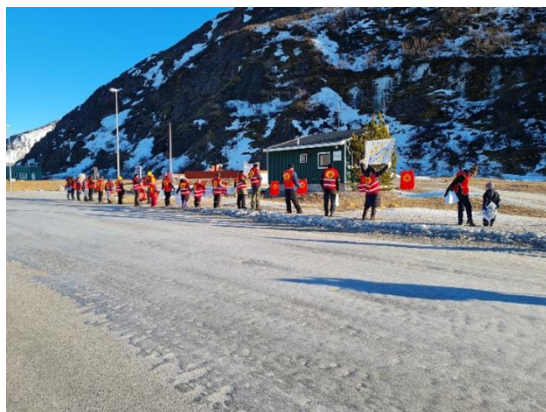
Under Greenland’s and Denmark’s Public Access to Information Acts, green NGOs have [gained access to the authorities’ legal defence](#) in the arbitration court case, which they did not make public themselves. The Danish government’s legal adviser, who conducts the case on behalf of both the Greenlandic and Danish authorities, rejects the lawsuit as without merit and states that the initiation of the arbitration case has “no other purpose than to try to put undue pressure on the Greenlandic government in order to grant ETM an exploitation permit for the Kvanefjeld project, which the company has no legal claim to under Greenlandic law”.

The adviser expects the case to be rejected by the arbitration court, and his biggest concern is that ETM will not be able to pay for the authorities’ large costs because the company is constructed in a way that makes it possible to predict that there will not be full coverage. In his defence, the legal adviser reiterates what green NGOs have said for a long time: for more than a decade, actors in the mining industry have tried to undermine Greenlandic

society and unduly influence elections and government decisions. Some of them might even have been successful in delaying Greenland accession to the Paris Agreement. In all this, ETM has played a crucial role, as the mining company was responsible for the abolishment of Greenland's uranium ban ten years ago, which until then had been effect for a quarter of a century.

Mainly a political issue

The main reason that ETM has a bad case is because Greenland has not ratified the Energy Charter Treaty and other international and bilateral investor protection treaties. This means that the dispute will be settled



*No to uranium demonstration,
Urani? Naamik, Narsasuaq*

according to Greenlandic and Danish law and not within the framework of a privatised international arbitration system. Thus, one could argue, that the case is first and foremost political.

Here too, it is uphill for the mining company: people, politicians and media in Greenland have lived with ETM's scare campaigns for more than a decade and learned to take announcements from the company with a grain of salt. Unfortunately not so in Denmark, where publication of [the company's compensation claim](#) has triggered a [panic mood in parts of the political community](#). The mining company's success in presenting its case to the Danish public is not least due to Danish mainstream media's [consistent use of expert commentators](#) whom one would

normally not expect to give an informed opinion on the validity of ETM's claim.

The fact that the claim was submitted to the arbitration court shortly before the chairmanship election in Greenland's co-government party Siumut – a party that strongly supports uranium mining, but has agreed to put this on hold while in government - looks like more than a coincidence. The two competitors to the incumbent chairman both wanted a renegotiation of the government coalition agreement, where the uranium issue would again be central. In this regard, they were willing to call an early general election.

Although the ETM complaint gave the opposing candidates the necessary impetus to bring the uranium issue back onto the political agenda, the election ended with a convincing victory for the incumbent chairman.

Greenland's shifting political situation is probably also the reason that ETM has [brought its case before a Greenlandic court of law](#), before the tribunal has made its final decision. The next general election must be held before April 2025 and could even take place in the fall, and a lawsuit in Greenland of this size would make it certain that abolishment of the uranium ban again will be on the political agenda.

Already warning signs a decade ago

The problems caused by ETM could have been predicted many years ago, when the uranium ban was lifted. Since uranium has "dual use", i.e., serves both civilian and military purposes, security issues are supposed to be handled by the Greenlandic and Danish authorities jointly, but in practice mostly by the Danish authorities, since the Greenlandic government has not taken control of defence, law enforcement and the judiciary. Here, the Danish authorities have failed on virtually all points.

Even before the uranium ban was abolished, ETM's supposed owner had been a topic for

Australia's largest and most recognized newspapers, where the mining company was mentioned in numerous articles. ETM's alleged founder and possibly biggest shareholder was described [as a person with links to the organized criminal underworld](#), who owned shares and companies worldwide under at least nine different names, with no fixed contact or business address. On several occasions he was said to have used a key figure in the Italian-Australian mafia as a mediator in civil disputes, and in the 1990s his name was linked to drug trafficking and money laundering.

Even worse was the reporting by the Australian media of [alleged financing of terrorist activity](#), which is punishable under Danish, Greenlandic, and international law. The alleged owner of ETM was believed to control a company that owns or has owned oil rights in Somalia's Puntland province, whose dominant clans were suspected of piracy off the coast of Somalia. The extraction agreement was concluded with Puntland's



Citizens meeting about Kuannersuit/Kvanefjeld, Jan Rehtmar-Petersen, Urani? Naamik

Ministry of Finance and the money from the oil company was, among other things, used for arms procurement for "pacification of adjacent non-Puntland territories". However, attempts to explore the disputed area for oil failed due to resistance from the local population, who reacted to the violations of its territory by the Puntland militias and the oil company. Ten locals were killed during clashes with Puntland militias funded by the company, and with local tribesmen.

In 2013, the current government party Inuit Ataqatigiit's (IA) Member of the Danish Parliament, Johan Lund Olsen, raised the above questions at a closed session in the Parliament's foreign policy committee. Here he was told that the Danish government had no intention of investigating ETM. Shortly afterwards, the then Chairwoman of IA, Sara Olsvig, asked similar questions in the Greenlandic Parliament, Inatsisartut, where she was told that [the Greenlandic government would not do it either](#).

Undermining the rule of law

Since then, ETM has developed so much of a negative record that there is only room for the most negative highlights below.

First of all, it is striking to what extent ETM has received favourable treatment from parts of Greenland's political community, and how close ETM's ties to this community are. An example of this is that before the abolishing of the uranium ban, which specifically aimed at legalizing the Kvanefjeld project, the then newly elected Prime Minister announced that a referendum would be held in South Greenland on the mining project. After the lifting of the ban, the promise was taken off the table.

In addition, Greenland's former head of government during 2009-2011, later became chairman of ETM's board while at the same time a Danish MP representing Siumut. Afterwards, he continued as an ETM management consultant and when the uranium ban was lifted in 2013, he was the Chairman of Inatsisartut.

In 2019, ETM's CEO was formally reprimanded by Greenland's then Prime Minister and the head of Greenland's Department of Nature and Environment for [attempts to influence ministers and high-ranking officials](#) who had nothing to do with the environmental assessment of the Kvanefjeld project, in order to undermine the Greenlandic Environmental Protection Agency. Additionally, ETM was

criticized for having provided false information and not complying with orders to correct deficiencies in draft environmental reports.

Even closer than ETM's connections to the political community are its relations with influential civil servants: in 2020, the former head of the Department for Business and Labor Market that controls Greenland Mineral Resources Authority, and is considered one of the main initiators of Greenland's bet on mineral extraction, was [employed as director in ETM](#). Only a month before, he had resigned as head of department after ten years of employment. From ETM's annual report it appears that, in addition to an annual salary of 170,000 EUR, he was given two options of two million shares. If ETM had obtained an extraction permit for the Kvanefjeld project and had started to operate in the way the company describes it in its information material, [he would have earned 410 million EUR](#), corresponding to 3 per cent of ETM's share value.

Furthermore, his predecessor as head of the Greenland's Mineral Resources Authority [became chairman of the board of ETM](#), after retiring from his directorship. The person in question, who is a former state geologist, head of the ore geology department of the Geological Survey of Denmark and Greenland, and co-author of the Greenland Minerals Act, was, according to an ETM's annual report, remunerated with almost 140,000 EUR as well as shares in the company at a nominal value of almost 880,000 EUR.

Threats against the state

ETM's and the mining industry's negative record does not stop here: in 2019, Forbes wrote that ETM has been involved in the process that led to [the Trump administration's offer to buy Greenland](#). Already, another former co-owner of ETM and present owner of the large rare earth mining project at Kringlerne, located not far from Kvanefjeld, [claimed to have triggered the same offer](#).

It is also a fact that ETM is under Chinese influence, although it is unclear to what extent. In 2016, Shenghe Resources, which is partly owned by the Chinese state, acquired 12.5 per cent of ETM and later the company signed a letter of intent to take over all rare earths production from the Kvanefjeld project. It is still unknown whether the company has the right to buy up to 60 per cent of ETM, if the mining project is realised. In 2019, Shenghe Resources entered into a partnership with the [China National Nuclear Corporation \(CNNC\)](#) – the former Ministry of Nuclear Industry which was responsible for the creation of the first Chinese hydrogen bomb. CNNC's leadership is appointed by the Chinese Prime Minister, which means that the Kvanefjeld project could have been on its way to becoming a Chinese government project.

The attempts to undermine the Greenlandic state culminated just before the general elections in 2021, when Denmark's largest television station measured by viewership, TV 2, smeared the later Greenlandic Prime Minister, Muté B. Egede, who campaigned on reinstating the uranium ban and halting the Kvanefjeld project. TV 2 accused Egede of incompetence and corruption and the article that formed the basis of the campaign was widely quoted in other media both in Greenland and Denmark. Although it turned out to be false, it was only retracted after the election had taken place.

TV 2's smear campaign was based on an [11-page anonymous memo](#) sent to a news editor at the television station, who has staked her position on bringing the fake news, pressured her employees against their will and deviated from the television station's internal procedures for news dissemination. Independent experts and Greenlandic politicians have later estimated that TV 2's campaign in all probability had an impact on the election result.

When asked directly, ETM replied that it had nothing to do with the anonymous document.

Nonetheless, the mining company was involved in the election campaign and launched what is said to be the largest and most expensive advertising campaign in Greenland's history with daily ads in the state TV and radio station Kalaallit Nunaata Radioa and the private media group Sermitsiaq/AG.

Despite the likelihood that TV 2 seriously damaged Greenland's green transition, the case was never investigated judicially, and the TV station [was allowed to exonerate itself](#) through an internal investigation. This despite the fact that demands for such an investigation were [raised by leading Greenlandic politicians](#) who realised that Greenland's security is at stake when the integrity parliamentary elections is undermined.

Even if the TV 2 news director was fired from her job at the TV station, it did not hamper her career: subsequently, she was hired as [director of communication](#) for the Danish government party, The Moderates, whose leader is the current Minister of Foreign Affairs and former Prime Minister, Lars Løkke Rasmussen.

Delayed adoption of the Paris Agreement

The later government party, IA, was four seats from obtaining absolute majority at the Parliament election and therefore had to participate in changing government coalitions. IA succeeded in reinstating the uranium ban,

stopping the Kvanefjeld project, [making mining legislation more restrictive](#), including making protection of areas of special geological interest possible, prohibiting convicted criminals from owning or controlling mining companies, [banning oil and gas exploration](#), and introducing a [national biodiversity strategy](#), but not – because IA did not get an absolute majority – ratification of the Paris Agreement. It took two years before this was made possible and it just happened recently.

Hopefully, ETM's frivolous lawsuits can give rise to the mining company becoming the target of the critical investigation that every democratic country and above all the Greenlandic public deserve. The fact that a general election is underway, which again could be undermined, makes the need even more urgent.

There is yet another reason why the mining company should be put under scrutiny: ETM is currently expanding its activities and could be on the way to become [the owner of some of the largest lithium license areas in Europe](#). Potentially, both its mining projects in Greenland (depending on the outcome of the upcoming general election) and in Spain could be designated as [strategic projects](#) under Europe's Critical Raw Materials Act and benefit from favourable treatment by the European Union.

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U.S. Energy Information Administration lies with statistics

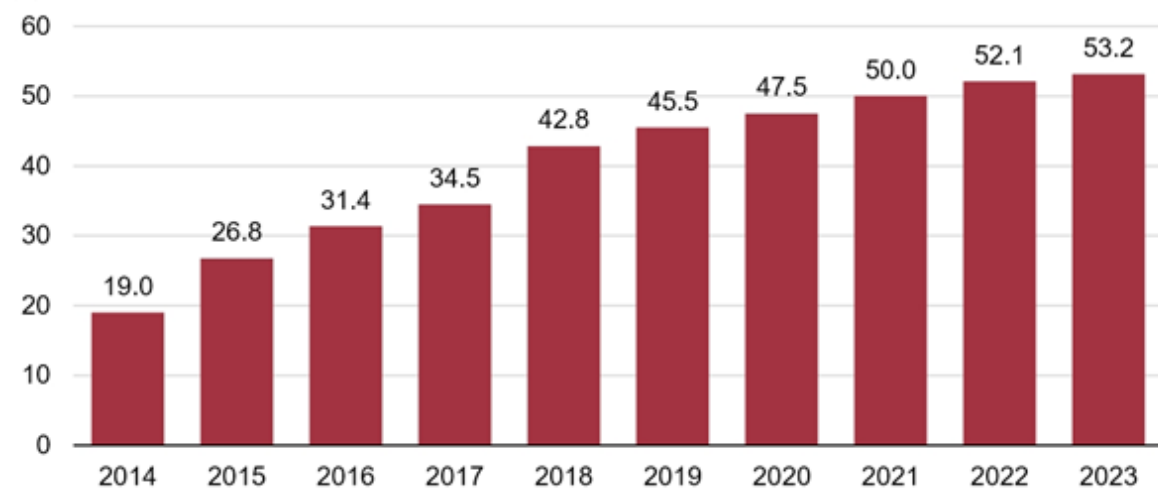
Jan van Evert, editor Nuclear Monitor

The U.S. Energy Information Administration (EIA) recently published [an article](#) titled "China continues rapid growth of nuclear power capacity". It seems the authors must have read the classic book "How to lie with statistics" by Darell Huff. He wrote his bestseller in 1954 (!) and it is still very much of present interest, and still for sale in many languages. The article shows the following bar graph:

replaced by 'total'. If we do the same calculation for the other years in the graph, it is easy to see that the 'rapid growth' from the title of the article only occurred between 2014 and 2018, and has declined a lot after that year.

The second paragraph continues with another lie and an interesting figure: "Despite rapid capacity growth in 2022, nuclear power made up only about 5% of China's cumulative power

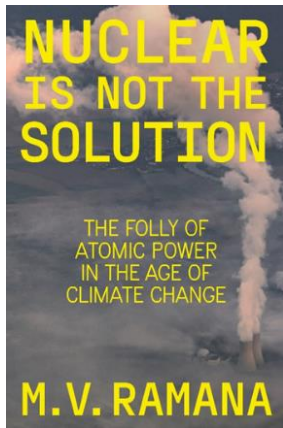
Annual installed net nuclear power capacity in China (2014–2023)
gigawatts



Note the word 'annual'. This is the first lie because in the second line below the graph the authors write: "a total net capacity of 53.2 GW as of April 2024". So, the installed capacity in 2023 was $53.2 - 52.1 =$ only 1.1 GW. In other words: 'annual' should be

generation that year." So, nuclear power plays only a minor role in Chinese electricity production. According to the article the coal-fired capacity increased by 19.5 GW in China in 2022. Now that is rapid growth.

Coming soon; Nuclear is not the Solution



The climate crisis has propelled nuclear energy back into fashion, with proponents arguing that we already have the technology of the green future, it only needs perfection and deployment.

In *Nuclear is Not the Solution*, Ramana makes clear to general readers that turning to nuclear power will only slow our response to the urgent climate crisis while increasing the risk of catastrophe.

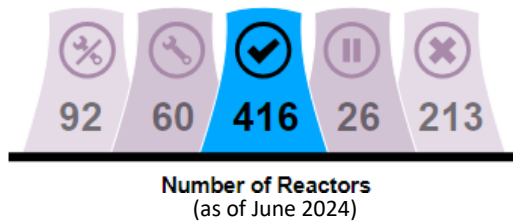
Ramana's powerful book breaks any illusions in the hope of nuclear power delivering us from the climate crisis, untangling the

technical elements into simple and sensible arguments. *Nuclear is Not the Solution* also unmask the powerful groups with deep interests in the maintenance of the status quo who have worked so hard to greenwash a dirty industry.

M.V. Ramana is Professor and Simons Chair in Disarmament, Global and Human Security at the School of Public Policy and Global Affairs (SPPGA), University of British Columbia. Ramana is a member of the International Panel on Fissile Materials, the Canadian Pugwash Group, the International Nuclear Risk Assessment Group, and the team that produces the annual World Nuclear Industry Status Report.

The book *Nuclear is not the Solution* is available from July 30, 2024.

NUCLEAR NEWS



Compared to the last edition of the Nuclear Monitor (916); nothing changed.

Is Nuclear Power the solution to Australia's Energy Transition?

Today the federal opposition unveiled plans to build seven nuclear power plants by 2050 should they be elected to power at the next election. There has been extensive debate from both public and private sectors about whether nuclear power should be part of Australia's future energy mix. This note looks at the arguments for and against the use of nuclear power in Australia and assesses whether nuclear power is a realistic solution to the requirements of Australia's energy transition.

<https://www.herbertsmithfreehills.com/notes/energy/2024-posts/Is-Nuclear-Power-the-solution-to-Australia-s-Energy-Transition->

EDF: two-year suspended prison sentence requested against former CEO for suspicion of favouritism

The courts on Tuesday sentenced EDF and its former CEO Henri Proglio for recruiting consultants outside the rules of competitive bidding. In addition to the two-year suspended prison sentence, the prosecution is seeking a fine of 200,000 euros against the former CEO.

<https://www.latribune.fr/entreprises-finance/industrie/agroalimentaire-biens-de-consommation-luxe/edf-deux-ans-de-prison-avec-sursis-requis-contre-l-ex-pdg-pour-soupcons-de-favoritisme-1000172.html> (article in French)

Japan to allow building new reactors if others are dismantled

The industry ministry plans to allow utilities to build new nuclear reactors on condition they decommission the same number of aging reactors at other plants, sources said.

<https://www.asahi.com/ajw/articles/15307576>

Congress Just Passed The Biggest Clean-Energy Bill Since Biden's Climate Law

The Senate voted nearly unanimously Tuesday evening to pass major legislation designed to reverse the American nuclear industry's decades-long decline and launch a reactor-building spree to meet surging demand for green electricity at home and to catch up with booming rivals overseas.

https://www.huffpost.com/entry/congress-advance-act-nuclear-power_n_6670a926e4b08889dbe5e626

Kenya's first nuclear plant: why plans face fierce opposition in country's coastal paradise

Unease and anger are rising over proposals to build country's first facility on Kilifi coast, home to white sand beaches, coral reefs and mangrove swamps

<https://www.theguardian.com/global-development/article/2024/jun/17/kenya-plans-first-nuclear-power-plant-kilifi-opposition-activists>

