

DECLARATION OF THE EUROPEAN INDUSTRIAL ALLIANCE ON SMRS

As signatories of this Declaration, we, private and public stakeholders involved in SMR/AMR technologies, declare to work together within the **European Industrial Alliance on SMRs** (“the Alliance”) to facilitate and accelerate the development, demonstration, and deployment of SMRs in Europe by the early 2030.

As set out in the Commission Communication “Securing our future. Europe’s 2040 climate target and path to climate neutrality by 2050 building a sustainable, just and prosperous society”, SMRs can contribute to delivering 90% carbon emission reduction by 2040, while increasing the competitiveness and resilience of the European economy.

To achieve this goal, Alliance Members will collaborate on developing a dynamic industrial ecosystem for SMRs in Europe by enhancing the manufacturing capacity of innovative and sustainable components for SMRs, by promoting ways to ensure a well-diversified and reliable supply of fuel and raw materials, by identifying solutions for ensuring the highest standards of nuclear safety, including for nuclear waste management, environmental sustainability and public involvement and by fostering the availability of adequate research capacity and skilled workforce.

Objectives

The **general objective** of the **Alliance** is to facilitate and accelerate the development, demonstration, and deployment of the first SMRs projects in Europe in the early 2030s, by assisting emerging SMRs projects to reach the demonstration and deployment phase.

In this perspective the Alliance will pursue the following specific objectives:

- (i) Facilitate and accelerate the safe and cost-effective development, demonstration and deployment of SMRs projects through supporting relevant stakeholders’ (including established and emerging European companies) collaboration to structure, advance and deploy their products in the European market and beyond.
- (ii) Strengthen the enabling conditions for SMR development by mapping and assessing, the performance and completeness of the European nuclear supply chain, including raw materials availability, fuel cycle supply, waste management, research & innovation, skills development, as well as identifying relevant regulatory and non—regulatory solutions in this respect, in full respect of the EU acquis.
- (iii) provide feedback and recommendations to the Commission and Member States on relevant policies to ensure the highest safety and environmental standards for the development and deployment of SMRs, including through collaboration with nuclear regulatory authorities, the European Nuclear Safety Regulators Group (ENSREG) and other public authorities;

- (iv) Provide guidance and recommendations on relevant policies to raise public awareness about SMRs' benefits and challenges and launch an open, transparent and inclusive debate with social partners, stakeholders and the civil society, particularly on topics such as siting process, social acceptance, public engagement, radioactive waste management and decommissioning of SMRs.
- (v) Identify and prioritise the future needs for qualified and trained workforce, and of training provision building on the already existing programmes and instruments.
- (vi) Foster nuclear research and development activities with a special focus on developing and deploying innovative nuclear fuels required for AMRs operation.
- (vii) Promote collaboration with key trusted international partners and expand the EU potential to export SMRs technologies on global markets.

The Alliance will provide a framework for coordinating activities, sharing best practices and developing joint actions aimed at fostering the deployment of SMRs in Europe.

In this role, the Alliance will promote collaborative actions bringing together industrial actors, social partners, end-users, utilities, research institutes, civil society organisations, financial institutions, policy makers from Member States and other stakeholders with an interest in SMR development, demonstration, and deployment in Europe.

The Alliance will contribute to address the investment challenge in the SMR sector by identifying investment barriers, and incentivising new investments. In this context, the Alliance will map the availability of financial support sources available at EU (particularly research, safety and skills development) and national level and will contribute to identify specific solutions tailored to the level of maturity and specificities of individual SMR projects.

In addition, the Alliance will facilitate interaction of SMR projects with potential users such as low-carbon hydrogen producers and energy intensive industries to assess their interest to use and co-fund SMRs projects for electricity and/or heat provision, including off-grid possibilities.

The Alliance will also ensure a close cooperation with national and European regulatory bodies and the Commission on relevant standardisation issues.

The Alliance will explore the skills and training needs for the SMR value-chain and suggest solutions to strengthen education, training, and skills development for a competent workforce. In this regard, the Euratom and the Pact for Skills Program will serve as tools to address the needs identified. By capitalising on ongoing skills projects, this would facilitate the setting up of a nuclear Academy under the NZIA Academies framework.

The Alliance will also closely collaborate with SMR-related projects funded under the RTD Euratom Research and Training Programme, with the JRC, and international bodies such as the

International Atomic Energy Agency (IAEA) and with the Nuclear Energy Agency (NEA) of OECD.

The Alliance work will pay particular attention to the best ways to increase public engagement to respond to safety and environmental concerns, build trust and ensure local ownership of projects with a view to facilitating future SMR deployment. In this context, the Alliance will promote analysis and exchanges on the best ways to deal with other important SMR-related aspects, including radioactive waste management and decommissioning.

Principles

The Alliance adheres to the key principles of openness, transparency, diversity and inclusiveness as set out in the Terms of Reference.

In their work towards achieving the Alliance's objectives, the Signatories also declare to adhere to the following core requirements:

- ✓ Full compliance with all applicable primary and secondary EU legislation, including EURATOM;
- ✓ Full compliance with EU and national competition rules. In particular, the Signatories of this Declaration also declare to adhere to the competition law compliance guidelines in Annex to this Declaration;
- ✓ Adherence to the highest standards in terms of respecting human rights, labour and social rights, work standards and EU environmental standards;
- ✓ Firm opposition to the use of forced labour within the nuclear supply chain. Strive towards ensuring that the nuclear supply chain is free of forced labour and to discuss and raise awareness on this important issue in the framework of activities inside and outside the Alliance;
- ✓ Adherence to the highest standards in terms of data protection, security of sensitive information, commitment that it shall not provide any information or documents related to the Alliance to third parties and to ensure to have no conflict of interest whatsoever with the Alliance's objectives or with specific objectives of the project groups to which it will subscribe.

By signing this Declaration, the signatory commits to the assurances it has provided as part of its membership application, namely that it shall engage in activities of practical utility for the Alliance, in view of the above objectives. Any deviation from these core principles would lead to the immediate exclusion of the member, not excluding other legal actions.

Working methods

The operational work of the Alliance will be organised around several **Technical working groups** that will deal with topics like project development, project finance, supply chain availability, public engagement, radioactive waste and spent fuel management, research & innovation, skills development and training provision, safety, security and safeguards¹. The Governing Board will

¹ Preliminary list of topics coming from the European SMR pre-Partnership Stakeholders' Forum which took place the

determine the exact number and topic of the working groups and create new ones when there is a well justified need identified by the Alliance. For practical reasons, the number of members of each working group may be limited.

In addition to technical working groups, **Project-based working groups** would be created to provide tailor made support to eligible SMR projects to reach out the demonstration and deployment phase. To this end, each project-based working group will bring together utilities, designers, supply chain factories, fuel cycle stakeholders etc. that will be directly involved in these SMR projects. This will be done in complement and association with the support to be provided for strategic projects under the NZIA platform.

The Governing Board will have the main responsibility to oversee the activities conducted within the Working Groups, monitor and report on progress, and endorse deliverables. It will be also the body assessing membership requests. The Governing Board will convene at least three times a year.

Deliverables

The Alliance will elaborate and implement a Strategic Action Plan, including a technology roadmap, based on the tasks mentioned in the section 3 of the Terms of Reference and describing how the work of the Alliance will be implemented including concrete milestones.

Signature of the Declaration

I, the undersigned, certify that I am authorised to sign on behalf of my Organisation, and to declare its adherence under this Declaration and its Terms of Reference.

Organisation:

Name of the authorised representative and her/his title in the Organisation:

Date and place:

Signature:

Annex I

Modalities for signing this Declaration

Organisations that are interested to join the European Industrial Alliance on SMRs need to sign this declaration and return it to the Commission, together with the dedicated application form and other requested documents, to: grow-EU-SMRS-ALLIANCE@ec.europa.eu

For signature of this document, you have two options:

OPTION A: Electronic signature

In case you have the possibility to sign the declaration using a qualified electronic signature (QES), please have the declaration signed electronically by your authorised representative. Please note that only the qualified electronic signature (QES) within the meaning of Regulation (EU) No 910/2014 (eIDAS Regulation) will be accepted.

Documents signed with a QES benefit from the highest level of security and legal certainty under the eIDAS Regulation. You can find more background information here: <https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/eSignature>

Before sending back your electronically signed document, please check the signature and validity of the certificate with one of the following tools:

- Adobe Acrobat Reader: <https://helpx.adobe.com/acrobat/using/validating-digitalsignatures.html>
- EU Trusted List Browser can be consulted in order to check whether the electronic signature provider and the trust service it provides are part of European Union Trusted List: <https://webgate.ec.europa.eu/tl-browser/#/>

OPTION B: Handwritten signature

In case you do not have the possibility to sign the declaration using a qualified electronic signature (QES), please print the declaration, and have it signed and dated by your authorised representative using a handwritten signature.

Annex II – Guidelines for Competition Law Compliance within the European Industrial Alliance on SMRs

Disclaimer: These guidelines offer general guidance and are without prejudice to the application of EU or national competition rules.

The **European Industrial Alliance on SMRs** (“the Alliance”) is a voluntary collaboration of private and public stakeholders open to participation by any company or organisation willing to sign the **European Industrial Alliance on SMRs Declaration** (“the Declaration”).

General Principles

The members of the **European Industrial Alliance on SMRs** should strive for these general principles:

- **Open access:** As mentioned above, is open to all companies or organisations willing to sign the Declaration.
- **Transparency:** Meetings, discussions, information exchanged, and agreements reached will be well documented and minutes will be prepared. Documents and minutes will be made available to the Commission, on request.
- **Necessity:** Meetings, discussions, information exchanges will be strictly limited to what is indispensable to achieve the objectives set out below.

Envisaged actions

The Members of the Alliance join forces to reach the objectives outlined in the European Industrial Alliance on SMRs Declaration and, accordingly, engage in discussions and dialogue, data exchange and collaborations³.

In view of those activities and the risk of both intentional and inadvertent competition law infringements that they may pose, the European Industrial Alliance on SMRs Declaration provides that: “All signatories and persons involved in the activities of the European Industrial Alliance on SMRs shall fully respect all applicable laws and regulations, in particular EU and national competition rules. The Alliance will adopt a competition compliance program and abide by it.”

The Alliance has adopted the following guidelines and instructions to ensure that the Alliance members take particular care to ban any form of anti-competitive behaviour from their participation and activities in the Alliance, and comply with EU competition law and relevant national competition laws (hereafter “the competition laws”).⁴

³ In accordance with the below outlined guidelines to ensure full compliance with competition law.

⁴ The signatories are also encouraged to visit the dedicated webpage of the Commission’s DG Competition, which provides information on compliance with EU competition law:
https://ec.europa.eu/competition/antitrust/compliance/index_en.html.

The Commission has issued several sets of guidelines that can help undertakings assess the compatibility of their business arrangements with EU competition law (see notably Communication from the Commission — Notice — Guidelines on the application of Article 81(3) of the Treaty ([OJ C 101, 27.4.2004, p. 97](#)) (“Guidelines on Article 101(3)”), the Communication from the Commission — Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements ([OJ C 11, 14.1.2011, p. 1](#)) (“Horizontal Guidelines”) and Commission Notice – Guidelines on Vertical Restraints ([OJ C 130, 19.5.2010, p. 1](#)) (“Vertical Guidelines”). See also Commission Regulation (EU) No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements ([OJ L 335, 18.12.2010, p. 36](#)) (“R&D Block Exemption Regulation”), Commission Regulation (EU) No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements, ([OJ L 335, 18.12.2010, p. 43](#)) (“Specialisation Block Exemption Regulation”), Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements ([OJ L 93, 28.3.2014, p. 17](#)) (“Technology Transfer Block Exemption Regulation”), Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices ([OJ L 102, 23.4.2010, p. 1](#)) (“Vertical Block Exemption Regulation”).

1. Competition risks in the European Industrial Alliance on SMRs

The members of the Alliance must always take into account that alliances may be exposed to certain competition law risks including – but **not limited to** – the following considerations⁵:

- Members should be aware that even a single verbal or non-verbal exchange or a unilateral disclosure of commercially sensitive information can violate competitions laws;
- Conversations between members at both formal and informal (including social) meetings may turn into commercially sensitive information being unlawfully exchanged;
- A court or competition authority may use competitor meetings in the context of an alliance, together with other factors suggesting collusion, as evidence of a cartel or an anti-competitive agreement in the industry;
- Rules of an alliance or its members on *e.g.* standard setting, if any, may be deemed to restrict competition;⁶ and
- EU competition law provides that both associations of undertakings and undertakings can be addressed for competition law infringements. A fine imposed on an association of undertakings may be collected from any of its members unless that member can prove that it was not aware of the anti-competitive infringement or actively distanced itself from the infringement prior to an investigation into the case (effectively reversing the burden of proof).⁷
- The involvement of the European Commission, notably in the context of **Alliance's** meetings, does not exonerate participants from the application of competition law.

2. Information exchanges to avoid

Alliance members must not have formal or informal discussions, in particular with other members who are or may become competitors, relating – but **not limited to** – the following prohibited subjects amounting, in the senses of competition law, to commercially sensitive information⁸:

- Current or future individual company or industry pricing or any matters likely to have an impact on current or future prices such as competitive strengths and weaknesses, price changes, profit margins, discounts, rebates, surcharges, credit lines offered or other terms of sale;

⁵ See footnote 4.

⁶ See [Guidelines](#) on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements (OJ 2011 C 11/1).

⁷ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance); OJ L 1, 4.1.2003, p. 1–25; in particular Article 23(4).

⁸ See also Communication from the Commission — Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements ([OJ C 11, 14.1.2011, p. 1](#)) (“Horizontal Guidelines”).

- Individual company cost information including any cost components such as production or distribution costs, cost accounting formulas and cost computing methods;
- Individual company sales or production information including sales volumes, sales revenues, market share, production volumes, production capacity, capacity utilisation, stock levels and supplies, bid amounts and terms, and any limits on sales; current and future company plans and business strategy relating to – but not limited to – bidding, investment, marketing and advertising, production, purchasing, sales or technology;
- Any matters relating to individual customers, distributors or suppliers such as, for example, boycotting or blacklisting; and
- Salaries and wages, or limitations on hiring a competitor’s employees.

3. Allowed Information exchanges

To the extent that they do not amount, in the sense of competition law, to commercially sensitive information, **Alliance’s** members may have formal or informal discussions, and exchange of information, on the following subjects:

- Public policy and regulatory matters of general interest;
- Non-confidential current or historical information that is in the public domain;
- Non-confidential technical issues relevant to the industry in general such as standards or health and safety matters;
- General, non-proprietary technology and related issues such as the characteristics and suitability of particular equipment (but not a particular company’s proposals regarding the adoption of specific equipment or technology);
- General promotional opportunities relevant to the industry in general (but not a particular company’s promotional plans);
- Non-strategic educational, technical or scientific data that results in consumer benefits;
- Industry public relations or lobbying initiatives; and
- Non-strategic information needed to build new business partnerships between members of the alliance.

4. Appropriate conduct at European Industrial Alliance on SMRs meetings

As a general matter, it should be highlighted that just being present when illegal discussions are taking place may be sufficient to consider a company liable for a competition law infringement, even if that company and/or its representative(s) did not proactively engage in those discussions.

Transparency, notably through the documentation of all exchanges in the context of the **Alliance's** meetings is essential. Alliance members should therefore, when attending alliance meetings, always:

- Carefully review the agenda and purpose of meeting in advance for possible problems under the competition laws and seek advice from the members' legal department if necessary;
- Be vigilant to ensure that discussions at meetings stick to the agenda items and object if they do not making sure such an objection is reflected in the meeting minutes; and
- Ensure that they make or promptly receive detailed, accurate minutes of meetings and immediately voice any objections to the minutes.

5. How to address competition law related problems?

If while present at a formal or informal meeting of the **Alliance** or with representatives of competitors, the conversation turns to prohibited anti-competitive subjects, alliance members should:

- Immediately and expressly state that they cannot be party to discussions on the subject at issue due to competition law concerns and ask that the subject be changed at once;
- If their objection and request is ignored, immediately leave the meeting in a manner that makes the reason for their departure apparent to all present;
- Ensure that their departure be recorded in any formal minutes or, if there are no such minutes, record that departure in their own notes of the meeting; and
- Promptly report the matter to members' legal department and ensure that a note is made thereof for the file.

The presence of a Commission representative does not release participants from liability should the exchange of sensitive information occur.

In addition, members of the alliance should, if they become aware of a competition law infringement or are uncertain whether particular conduct within the **Alliance** is allowed under the competition laws:

1. Immediately inform their company legal counsel and/or compliance officer;
2. If concerns are confirmed, report the anti-competitive conduct to the **Alliance's** secretariat who can then inform competition authorities about this.

In addition, you can make use of the Anonymous Whistleblower Tool, available here:

<http://ec.europa.eu/competition/cartels/whistleblower/index.html> .

Lastly, **Alliance's** members should always keep in mind that any failure to take the above actions promptly will make it difficult to later convince a court or competition authority of their opposition to an infringement.