

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(84) 566 final

Brussels, 23 October 1984

Report from the Commission to the European Parliament

on the application of Article 37 of the Euratom Treaty
during the second half of 1982 and both halves
of 1983

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1) Introduction

In its resolution of 20 November 1980 on the siting of nuclear power stations in frontier regions, the European Parliament requested the Commission to draw up an annual report on the application of Article 37 of the Euratom Treaty.

This article imposes the following obligation on Member States in respect of the disposal of radioactive waste from nuclear installations :

Article 37

"Each Member State shall provide the Commission with such general data relating to any plan for the disposal of radioactive waste in whatever form as will make it possible to determine whether the implementation of such a plan is liable to result in the radioactive contamination of the water, soil or airspace of another Member State.

The Commission shall deliver its opinion within six months, after consulting the group of experts referred to in Article 31".

The inaugural report COM (82) 455 final* which covered the period 1959 to the summer of 1982 provided a detailed description of the procedure followed in formulating such opinions, the main aspects considered when examining a disposal plan, and the experience thereby acquired.

The present report, which covers the second half of 1982 and the year 1983, gives therefore, only a brief outline of the procedure and thereafter confines itself to the projects examined during this period.

*) COM (82) 455 final : Report from the Commission to the Council and to Parliament - Application of Article 37 of the Euratom Treaty.

2) Article 37 application procedure

The Commission Recommendation of 3 February 1982 on the application of Article 37 (*) defines, inter alia, the sense of "general data" and lays down the procedure to be followed by the Member States for communicating disposal plans to the Commission.

1. Preliminary "general data"

In the case of plans for the disposal of waste from nuclear power stations and nuclear fuel reprocessing plants, the Recommendation calls on Member States to submit preliminary "general data" to the Commission before permission for construction is granted by the competent national authorities.

An annex to the Recommendation specifies the "preliminary data" to be submitted, which data are forwarded by the Commission to the group of experts referred to in Article 37.

2. Definitive "general data"

The Recommendation provides for the "general data" for all disposal plans to be submitted whenever possible one year, but not less than six months, before the planned date of commencement of disposal of radioactive waste. A list annexed to the Recommendation specifies the "general data" to be submitted.

The Commission consults the group of experts referred to in Article 37, which examines the plan and submits its conclusions to the Commission. On the basis of these conclusions and before expiry of the period of six months laid down in the Treaty, the Commission delivers its opinion on the project. This opinion is sent to the Government of the Member State which submitted the plan, and to any neighbouring Member States concerned.

3. Disposal plans examined in 1983

The Commission received the preliminary "general data" for two and the definitive "general data" for seven nuclear installations. The distance of each installation from the nearest neighbouring Member State, the type of installation and the dates of communication of the plans to the Commission and of delivery of an opinion are shown in tables 1 and 2.

*) OJ L 83 of 29 March 1982

TABLE 1

Preliminary communications
Communications préliminaires
Vorläufige Mitteilungen

Project	Country	Type of installation	Distance to the nearest Member State	Date of communication to the Commission
Projet	Pays	Type d'installation *)	Distance de l'Etat membre le plus proche	Date de la communication à la Commission
NECKARWESTHEIM TRANCHE II	D	P.W.R. 1300 MWe	70 km (France)	6/83
EMSLAND	D	P.W.R. 1300 MWe	20 km (Netherlands)	12/83

*) P.W.R.: Pressurised Water Reactor
 Réacteur à Eau Pressurisée

TABLE 2

Final communications
Communications définitives
Endgültige Mitteilungen

Project	Country	Type of installation	Distance to the nearest Member State	Date of communication to the Commission	Date of communication of Commission's Opinion
Projet	Pays	Type d'installation **)	Distance de l'Etat membre le plus proche	Date de la communication à la Commission	Date de l'émission de l'avis de la Commission
KRCMMEL*)	D	B.W.R. 1260 MWe	162 km (Denemark)	7/82	1/83
CRUAS	F	P.W.R. 4 x 925 MWe	150 km (Italy)	2/83	8/83
PIERRELATTE	F	Nuclear fuel fabrication plant Usine de fabrication de combustible nucléaire	160 km (Italy)	3/83	9/83
EXXON	D	Nuclear fuel element fabrication plant Usine de fabrication d'éléments de com- bustible nucléaire	20 km (Netherlands)	6/83	12/83
PALUEL	F	P.W.R. 4 x 1300 MWe	100 km (U.K.)	8/83	(84)
THTR	D	gas-cooled reactor réacteur refroidi au gaz 300 MWe	80 km (Netherlands)	10/83	(84)

*) Communicated in 1982, opinion delivered in 1983.
Communiqué en 1982, avis émis en 1983.

***) P.W.R.: Pressurised Water Reactor
Réacteur à Eau Pressurisée

B.W.R.: Boiling Water Reactor
Réacteur à Eau Bouillante

4) Comments and conclusions

- the first preliminary "general data" relating to two nuclear power stations were received by the Commission in 1983.
- In all of the opinions delivered by the Commission in 1983, the potential radiological impact in neighbouring Member States resulting from releases of radioactive effluent during normal operations was not considered significant, from the point of view of health, since the doses resulting from these releases amount to only a fraction of the limits laid down in the Basic Safety Standards *).
- As regards the possible radiological impact of accidental releases of radioactive substances, the Commission in one case requested in its opinion that bilateral agreements be concluded with the authorities of two neighbouring Member States laying down details for the mutual exchange of information on measures to be taken in the event of an accident.
- One of the projects examined in 1983 was not communicated to the Commission within the required period. The Commission was informed only two months before the start of disposal, whereas the treaty lays down a period of at least six months prior to the commencement of disposal. In its opinion, the Commission requested the Member State concerned to ensure that the period laid down in the Treaty be respected as regards the communication of future disposal plans.

*) Council Directive of 15 July 1980 amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation (OJ L 246 of 17 September 1980).