

COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT BY THE COMMISSION TO THE EUROPEAN PARLIAMENT

on the application of Article 37 of the Euratom Treaty in 1984

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Article 37 of the Euratom Treaty in 1984

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, covering 1984, gives therefore only a brief outline of the procedure and thereafter confines itself to the projects examined during this period.

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" for both preliminary and definitive communications and lays down the procedure to be followed by the Member States for communicating disposal plans to the Commission.

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

**) OJ L 83 of 29 March 1982

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.

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 received in 1984

The Commission received the preliminary "general data" for two and the definitive "general data" for four 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. For completeness a communication for which the procedures were completed in 1984 is included in Table 2 although the communication was received in 1983.

TABLE 1
TABLEAU 1

Preliminary communications
Communications préliminaires

Project	Member State	Type of installation	Distance to the nearest Member State	Date of communication to the Commission
Projet	Etat membre	Type d'installation *)	Distance de l'Etat membre le plus proche	Date de la communication à la Commission
ISAR II	D	PWR 1300 MWe	170 km (I)	2/84
THORP	UK	Reprocessing plant Usine de retraitement	185 km (Ir)	6/84

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

TABLEAU 2

Final communications
Communications définitives

Project	Member State	Type of installation	Distance to the nearest Member State	Date of communication to the Commission	Date of communication of Commission's Opinion
Projet	Etat membre	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
KRB II	D	BWR 1249 MWe	170 km (F + I)	(11/83)	5/84
GROHNDE	D	PWR 1290 MWe	160 km (NL)	3/84	9/84
GORLEBEN	D	Storage of spent fuel and low active waste Stockage du combustible irradié et de déchets de faible activité	170 km (DK)	3/84	9/84
PHILIPPSBURG (Unit/ tranche 2)	D	PWR 1268 MWe	35 km (F)	4/84	10/84
GRAVELINES (Units/ tranches 5+6)	F	PWR 2x925 MWe	30 km (B) 55 km (UK)	7/84	(1/85)

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

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

4) Comments and conclusions

1. The preliminary "general data" received in 1984 referred to a nuclear power station and to a fuel reprocessing plant.
2. Opinions were delivered on final communications concerning three nuclear power stations equipped with light water reactors (one communication having been received in late 1983) and one storage facility for irradiated fuel and low active waste. In addition the procedures were largely completed for a further nuclear power station, the data for which were received in the second half of 1984.
3. In all of the opinions issued it was concluded that the releases of radioactive effluents foreseen in routine operation or which might arise in accident situations of the type and magnitude considered would not be liable to result in the radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.