COMMISSION OF THE EUROPEAN COMMUNITIES

COM(88) 109 final

Brussels, 15 March 1988

Report from the Commission

on the application of Article 37 of the Euratom Treaty, 1985-1986

Com 109

Report on the application of Article 37 of the Euratom Treaty, 1985-1986

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.

---

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

Subsequent reports *), therefore, have been limited to a brief outline of the procedure and the projects examined in the period covered.

The present report covers projects communicated to the Commission or on which an opinion was issued during the period 1985-1986.

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.

2.1. 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 to the Commission preliminary "general data" specified in an Annex before permission for construction is granted by the competent national authorities.

In the period covered preliminary general data were communicated to the Commission for two installations, i.e. one nuclear power plant and one nuclear fuel reprocessing plant (Table 1).

2 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.

---

*) COM(84) 566 final covering mid-1982 to end 1983
COM(85) 713 final covering 1984

**)O.J. L83 of 29 March 1982

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. The twelve plans relevant to the period 1985-1986 are detailed in Table 2.

3. Points arising from Opinions

3.1. Publication of the Commission's Opinions

It has not been the Commission's practice in the past to publish its opinions. However, in the case of Cattenom NPS it was decided to release the opinion to the press in view of the wide public interest. Subsequently, it was decided that future opinions would be published in the Official Journal; three such opinions have since been prepared and the O.J. references are included in Table 2.

3.2. The Timing of Submissions and Opinions

As previously noted the Recommendation calls for the general data on all major 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". For practical purposes the "planned date" for nuclear power stations has been taken to correspond to the date of connection to the national grid.

Two French submissions did not meet the six months minimum requirement (St. Alban and Creys-Malville). In both cases the Commission in its opinion stressed this failure and the need to ensure communication in due time; all subsequent submissions by the French authorities have met the requirements.

The Commission has itself had difficulties with respecting the six months delay allowed for issuing opinions. When the Chernobyl accident occurred towards the end of April 1986 two opinions were in the final

stages of approval (Flamanville and Kalkar) and four other submissions (Brokdorf, Creys-Malville (APEC*), Heysham and Torness) were under examination, the general data for Cattenom were received a few days later. The first two opinions, on Flamanville and Kalkar, were duly issued followed by those on Brokdorf and Creys-Malville (APEC) but the workload arising from Chernobyl was causing increasing problems with what is, even in normal conditions, a demanding schedule. In view of the public interest, priority was given to the Cattenom plant and this opinion also respected the six month requirement. However, Heysham and more especially Torness were both significantly delayed, the problems being compounded by the decision at an advanced stage of the procedure to foresee publication in the Official Journal and the consequent need for additional translations. The opinion on Belleville, for which the general data were received in November, was somewhat delayed to allow certain technical clarifications to be obtained. However, the Commission is fully conscious of the need to respect the six month requirement and indeed subsequent opinions have been issued in due time.

3.3. Routine discharges

In the opinions on Heysham and Torness it was noted that the discharge limits envisaged appeared to be "unnecessarily high" even although discharges at these limits would not be liable to cause exposure, significant from the health point of view, of members of the population of another Member State. Accordingly the national authorities were asked to ensure that the limits finally adopted take full account of the "as low as reasonably achievable principle" (ALARA).

3.4. Accident Situations

With regard to accidental radioactive releases, in six cases out of the twelve examined, the Commission has noted that exposure in other Member States could conceivably reach levels requiring countermeasures and in each case the Commission has issued corresponding recommendations.

---

*)APEC - Atelier Pour l'Evacuation de Combustible

In particular, for four such cases the opinions emphasized the need to finalize bilateral agreements with neighbouring Member States, especially as regards the transmission of information in the event of a significant accidental release of radioactive materials. The installations and neighbouring Member States involved were:

- Kalkar (FRG), agreement with the Netherlands,
- Gravelines (F),, agreement with Belgium,
- Heysham 2 and Torness (U.K.), agreement with Ireland.

Additionally, in the case of Cattenom it was recommended that arrangements be made to relay the signals from certain existing automatic monitoring and alarm systems directly to the neighbouring Member States.

4. Summary and Conclusions

- During the period 1985-1986 the Commission dealt with 2 preliminary and 12 definitive communications of plans for the disposal of waste from nuclear installations.

- In all opinions issued the Commission concluded that the routine discharges of radioactive effluents from the nuclear installations considered would not be liable to result in the radioactive contamination, significant from the health point of view, of the water, soil or airspace of another Member State. However, in some cases it asked the national authorities to ensure that the discharge limits finally adopted take full account of the ALARA principle set out in the Basic Safety Standards.

- As regards potential accident situations recommendations concerning the possible need for countermeasures in a neighbouring Member State were issued for half of the definitive plans examined; in particular bilateral arrangements were not always sufficiently complete.

ANNEX

Abbreviations

P.W.R. : Pressurised Water Reactor
Réacteur à eau pressurisée

B.W.R. : Boiling Water Reactor
Réacteur à eau bouillante

F.B.R. : Fast Breeder Reactor
Réacteur Surgénérateur Rapide

A.G.R. : Advanced Gas-cooled Reactor
Réacteur de type avancé refroidi au gaz

Site (Country) / Site (Pays)	Distance to another Member State (Country) / Distance d'un autre autre Etat Membre (Pays)	Type of installation* / Type d'installation*	Communication (date)
ALTO LAZIO (I)	270 km (F)	BWR 2 x 981 MWe	1/85
WACKERSDORF (D)	250 km (I)	Reprocessing plant Usine de retraitement	12/85

* Abbréviations in annexe 1 / Abbréviations, voir annexe 1

Table 1 Communications of Preliminary General Data

Tableau 1 Communications de Données Générales Préliminaires

Site (Country) (Pays)	Distance to another Member State (Country) Distance d'un autre Etat Membre (pays)	Type of installation* Type d'installation*	Communication (date)	Opinion Avis (Réf.-OJ/JO)
GRAVELINES (F)	30 km (B)	PWR 2 x 900 MWe	7/84	1/85
MÜLHEIM-KÄRLICH (D)	80 km (B)	PWR 1 x 1200 MWe	5/85	12/85
St ALBAN (F)	150 km (I)	PWR 2 x 1300 MWe	9/85	4/86
CREYS-MALVILLE (F)	120 km (I)	FBR 1 x 1200 MWe	10/85	4/86
FLAMANVILLE (F)	30 km (UK)**	PWR 2 x 1300 MWe	10/85	4/86
KALKAR (D)	8 km (NL)	FBR 1 x 300 MWe	10/85	4/86

* Abbreviations in annexe 1 / Abbréviations, voir annexe 1

** Distance to the Channel Islands / Distance aux Iles Anglo-Normandes

Table 2 Communications of General Data

Tableau 2 Communications des Données Générales

Site (Country) (Pays)	Distance to another Member State (Country) Distance d'un autre Etat Membre (Pays)	Type of installation Type d'installation	Communication (date)	Opinion Avis (Réf.- OJ/JO)
BROKDORF (D)	110 km (DK)	PWR 1 x 1300 MWe	1/86	7/86
CREYS-MALVILLE (F) APEC	120 km (I)	Irradiated fuel storage pond Piscine de stockage de combustible irradié	2/86	8/86
HEYSHAM 2 (UK)	210 km (IRL)	AGR 2 x 600 MWe	2/86	2/87 (L 68/33)
TORNESS (UK)	290 km (IRL)	AGR 2 x 600 MWe	4/86	6/87 (L 189/42)
CATTENOM (F)	9 km (L)	PWR 4 x 1300 MWe	4/86	10/86*
BELLEVILLE (F)	285 km (B)	PWR 2 x 1300 MWe	11/86	7/87 (L 228/47)

* press release

Table 2 (Continued)

Tableau 2 (Suite)