



European Communities

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A3-0162/91

**R E P O R T**

of the Committee on the Environment, Public Health and Consumer Protection

on the Commission proposal for a Council directive amending Directive 80/836/Euratom laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionising radiation as regards prior authorization of shipment of radioactive waste (COM(90) 0328 final - C3-0246/90)

Rapporteur: Mr Ken COLLINS

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Or. EN

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)



* - Consultation procedure requiring a single reading



**II - Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment



**I - Cooperation procedure (first reading)



*** - Parliamentary assent which requires the votes of a majority of the current Members of Parliament

C O N T E N T S

	<u>Page</u>
Procedural page	3
A. Amendments to the Commission proposal	4
DRAFT LEGISLATIVE RESOLUTION	5
B. EXPLANATORY STATEMENT	6

By letter of 21 August 1990 the Council consulted the European Parliament, pursuant to Articles 31 and 32 of the EAEC Treaty, on the proposal from the Commission to the Council for a directive amending Directive 80/836/Euratom laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionising radiation as regards prior authorization of shipment of radioactive waste.

At the sitting of 10 September 1990 the President of Parliament announced that he had referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Social Affairs, Employment and the Working Environment for its opinion.

At its meeting of 19 December 1990 the Committee on the Environment, Public Health and Consumer Protection decided to apply the simplified procedure under Rule 116(1).

At its sitting of 21 January 1991 Parliament referred the Commission proposal back to the Committee on the Environment, Public Health and Consumer Protection.

At its meeting of 1 February 1991 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Ken Collins rapporteur.

At its meeting of 29-31 May 1991 the Committee considered the draft report.

At the last meeting it adopted the report by 14 votes to 0 with 2 abstentions, and decided to table the report pursuant to Rule 38 of the Rules of Procedure.

The following took part in the vote:

Collins (Chairman and Rapporteur), Schleicher (1st Vice-Chairman), Scott-Hopkins (2nd Vice-Chairman), Iversen (3rd Vice-Chairman), Banotti, Bjørnvig Florenz, Green, Car. Jackson, Jensen, Langenhagen (for Alber), Muntingh, Partsch, Pollack, Vittinghoff and Vohrer.

The Committee on Social Affairs, Employment and the Working Environment decided not to deliver an opinion.

The report was tabled on 4 June 1991. The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

Commission proposal for a Council Directive amending Directive 80/836/Euratom laying down the basic safety standards for the health of the general public and workers against the dangers of ionising radiation as regards prior authorization of shipment of radioactive waste

Commission text¹

Amendments

(Amendment no 1)

Title

Commission proposal for a Council directive amending Directive 80/836/Euratom laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionising radiation as regards prior authorization of shipment of radioactive waste

Commission proposal for a Council directive amending Directive 80/836/Euratom laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionising radiation as regards prior authorization of shipment of radioactive waste and spent/irradiated nuclear fuels

This amendment to apply throughout the text

(Amendment no 2)

Article 1.2

2. The transport activities related to the management of natural and artificial radioactive substances for which no use is foreseen and whose quantities and concentration exceed the values laid down in Article 4(a) and 4(b) respectively shall be subject to the prior authorization system, effected by means of a consignment note, set out in Annex I (a).

2. The transport activities related to the management of natural and artificial radioactive substances for which no use is foreseen and of irradiated nuclear fuels whose quantities and concentration exceed the values laid down in Article 4(a) and 4(b) respectively shall be subject to the prior authorization system, effected by means of a consignment note, set out in Annex I (a).

¹ For full text see COM(90) 0328 final - OJ C 210, 23.8.1990, p.7

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council directive
amending Directive 80/836/Euratom laying down the basic safety
standards for the health protection of the general public and
workers against the dangers of ionising radiation as regards prior
authorization of shipment of radioactive waste

The European Parliament,

- having regard to the Commission proposal to the Council (COM(90) 0328 final)¹,
 - having been consulted by the Council pursuant to Articles 31 and 32 of the EAEC Treaty (C3-0246/90)
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection Environment (A3-0162/91)
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 119, second paragraph, of the EAEC Treaty;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 4. Instructs its President to forward this opinion to the Council and Commission.

¹ OJ No C 210, 23.8.1990, p.7

EXPLANATORY STATEMENT

This proposal from the Commission can be seen as an essential follow-up to Parliament's resolution of 6 July 1988 on the findings of the Committee of Inquiry on the handling and transport of nuclear material², which called on the Commission "to draw up comprehensive Community rules on the transfrontier transport of nuclear waste, where such movements are unavoidable". It also endorsed the individual proposals put forward by the Committee of Inquiry "to make transfrontier movements subject to a system of strict controls and authorizations from their point of origin to their point of storage".

(Parliament's Committee of Inquiry had been set up after a number of irregularities had been found relating to the movement of radioactive wastes between the Federal Republic of Germany and Belgium.)

The Commission has now agreed with the conclusions of the Committee of Inquiry that certain Member States were unable to keep track of radioactive wastes throughout their lifetime and were therefore unable to control adequately their movements. The proposal under consideration here therefore introduces a system of prior authorization, together with a common system of notification and consignment, aimed at eliminating this problem.

The model which has been used for this system is contained in Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the EC of the transfrontier shipment of hazardous waste³, although this proposal has a different geographical scope.

The essential requirements introduced by this proposal are that:

- every intended shipment of radioactive waste must be notified to the competent authorities of the Member State of destination, or of despatch and transit if the material is intended for a third state (and in this case shall indicate the agreement of the latter);
- shipment cannot take place until the competent authorities have acknowledged receipt of the notification authorizing the shipment. Objections can be raised by competent authorities, provided that they are in conformity with Community law;
- competent authorities shall authorize shipments only when sufficient evidence has been submitted to enable them to judge that the consignee can properly manage the radioactive waste.

The Committee on the Environment, Public Health and Consumer Protection welcomes this proposal and fully supports it. It also notes with interest the somewhat peculiar structure of COM(90) 0328 final which contains an earlier Commission draft together with the new amended draft, perhaps in the hope of demonstrating to Parliament that the Commission is alive and well and capable of refining its proposals.

² OJ C 235, 12.9.1988, p.70

³ OJ L 326, 13.12.1984

There is, however, one significant problem remaining which is implicitly excluded from the scope of this proposal, and that is the need to introduce a similar system for the control of the shipment of spent/irradiated nuclear fuels.

Radioactive wastes are defined in this proposal as substances "for which no use is foreseen". This is clearly intended to exclude from the Directive spent/irradiated nuclear fuel, which is, in the eyes of the Commission and certain Member States, intended for reprocessing and subsequent re-use of the plutonium and possibly uranium 235 contained therein.

The Committee on the Environment, Public Health and Consumer Protection is quite convinced that spent/irradiated nuclear fuel from power stations and other reactors should be subject to a similar directive concerning control of shipments, but acknowledges that the special problems relating to material that is both highly radioactive and subject to stringent Euratom safeguards may require provisions which differ from these in this proposal.

Accordingly, the Committee on the Environment, Public Health and Consumer Protection has adopted two amendments to the Commission proposal which are designed simply to extend its scope so as to cover spent/irradiated nuclear fuels as well as radioactive wastes as here defined. It thereby makes clear the direction in which it wishes the Commission and Council to move, whilst realising that implementation of this principle may require further refinement.

