



COMMISSION OPINION

of 14 November 2024

relating to the plan for the disposal of radioactive waste arising from the decommissioning and dismantling of the Fessenheim nuclear power plant in the Haut-Rhin (Upper Rhine) department, France

(only the French text is authentic)

(C/2024/6853)

The assessment below is carried out under the provisions of the Euratom Treaty, without prejudice to any additional assessments to be carried out under the Treaty on the Functioning of the European Union and the obligations stemming from it and from secondary legislation (¹).

On 7 March 2024, the European Commission received from the Government of France, in accordance with Article 37 of the Euratom Treaty, the General Data relating to the plan for the disposal of radioactive waste (²) arising from the decommissioning and dismantling of the Fessenheim nuclear power plant.

On the basis of these data and additional information requested by the Commission on 31 May 2024 and provided by the French authorities on 17 July 2024, and following consultation with the Group of Experts, the Commission has drawn up the following opinion:

1. The distance from the site to the nearest border of another Member State, in this case Germany, is 1 km.
2. During normal decommissioning and dismantling operations of the Fessenheim nuclear power plant, the discharges of liquid and gaseous radioactive effluents are not liable to cause an exposure of the population in another Member State that would be significant from the point of view of health, in respect of the dose limits laid down in the Basic Safety Standards Directive (³).
3. Solid radioactive waste is treated and temporarily stored on site before transfer to licensed treatment, storage or disposal facilities in France.
Other solid metallic waste may be released from regulatory control for reuse or recycling in compliance with the criteria laid down in the Basic Safety Standards.
4. In the event of unplanned releases of radioactive effluents that may follow the accidents of the type and magnitude considered in the General Data, the releases are not liable to result in a radioactive contamination of the water, soil or airspace of another Member State, which is significant from the point of view of health, in respect of the reference levels laid down in the Basic Safety Standards Directive.

(¹) For instance, under the Treaty on the Functioning of the European Union, environmental aspects should be further assessed. Indicatively, the Commission would like to draw attention to the provisions of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU; to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, as well as to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and to Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

(²) The disposal of radioactive waste in the meaning of point 1 of Commission Recommendation 2010/635/Euratom of 11 October 2010 on the application of Article 37 of the Euratom Treaty (OJ L 279, 23.10.2010, p. 36).

(³) Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1).

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste in whatever form, arising from the decommissioning and the dismantling of the Fessenheim nuclear power plant, located in the *Haut-Rhin* (Upper Rhine) department, France, both in normal operation and in the event of the accidents of the type and magnitude considered in the General Data, is not liable to result in a radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State, in respect of the provisions laid down in the Basic Safety Standards Directive.

Done at Brussels, 14 November 2024.

For the Commission
Kadri SIMSON
Member of the Commission
