

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Decision on a Community system of rapid exchange of information in cases of abnormal levels of radioactivity or of a nuclear accident***COM(87) 135 final**(Submitted by the Commission to the Council on 5 May 1987)**(87/C 160/07)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 31 thereof,

Having regard to the proposal from the Commission, submitted after obtaining the opinion of the group of persons appointed by the Scientific and Technical Committee,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Article 2 (b) of the Treaty requires the Community to establish uniform safety standards to protect the health of workers and of the general public;

Whereas on 2 February 1959 the Council adopted Directives<sup>(1)</sup> laying down basic standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiations, which were last amended by Directive 80/836/Euratom<sup>(2)</sup> and Directive 84/467/Euratom<sup>(3)</sup>;

Whereas Article 45 (5) of Directive 80/836/Euratom already requires that any accident involving exposure of the population be notified as a matter of urgency, when the circumstances so require, to neighbouring Member States and to the Commission;

Whereas Articles 35 and 36 of the Treaty already provide that Member States are to establish the facilities to carry out continuous monitoring of the level of radioactivity in the air, water and soil and communicate such information to the Commission so that it is kept informed of the levels of radioactivity to which the public is exposed;

Whereas Article 13 of Directive 80/836/Euratom requires Member States regularly to transmit to the Commission results of review on the exposure of the population and estimates on the genetic dose;

Whereas Article 38 of the Treaty provides that in cases of urgency the Commission shall issue a Directive requiring the Member State to take all necessary measures to prevent infringement of the basic standards;

Whereas following the accident at the nuclear power station at Chernobyl in the Soviet Union the Commission was informed by the Member States on the level of radioactivity measured in the environment;

Whereas following this accident the Commission issued recommendation 86/156/EEC<sup>(4)</sup> and the Council adopted Regulations (EEC) No 1388/86<sup>(5)</sup> and (EEC) No 1707/86<sup>(6)</sup> setting levels for the radioactive contamination of foodstuffs;

Whereas in order to fulfill its tasks the Commission needs rapidly to receive all relevant information in an agreed format in the case of a nuclear accident or other event;

Whereas some but not all Member States have already concluded bilateral treaties on mutual information, coordination and assistance in the case of nuclear accidents and whereas all Member States have provisionally signed the Convention on Early Notification of a Nuclear Accident;

<sup>(1)</sup> OJ No 11, 20. 2. 1959, p. 221/59.

<sup>(2)</sup> OJ No L 246, 17. 9. 1980, p. 1.

<sup>(3)</sup> OJ No L 265, 5. 10. 1984, p. 4.

<sup>(4)</sup> OJ No L 118, 7. 5. 1986, p. 28.

<sup>(5)</sup> OJ No L 127, 13. 5. 1986, p. 1.

<sup>(6)</sup> OJ No L 146, 31. 5. 1986, p. 88.

Whereas these treaties and conventions do not necessarily ensure that all Member States are promptly informed in the case of a nuclear accident or other event or in cases where abnormal levels of radioactivity significant from the point of view of health protection or the environment are measured;

Whereas the rapid dissemination of such information received by the Commission to all Member States would be a desirable and useful means to ensure that the standards for the protection of the population as laid down in the Directives made pursuant to Title Two, Chapter III of the Treaty are applied throughout the Community;

Whereas the establishment of a Community system for rapid information would not affect the rights and obligations of Member States under bi- and multilateral treaties or conventions but would facilitate the task of a Member State to inform all other Member States;

Whereas the Commission already receives under Articles 37 and 42 of the Treaty information on nuclear activities and facilities of all Member States and is therefore encouraged to prepare the necessary background data to be transmitted in the event of an accident or other event;

Whereas under Article 2 (h) of the Treaty the Community is to establish with other countries and international organizations such relations as will foster progress in the peaceful uses of nuclear energy;

Whereas to that effect the Commission should participate in efforts to strengthen cooperation in matters covered by this Decision with all neighbouring States, including the conclusion of consultation arrangements, and with all relevant international organizations,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Whenever a Member State takes or considers taking emergency measures in order to protect the public, either following the measurement of abnormal levels of radioactivity in the environment, or following an accident or other event involving any facility or activity of a Member State or of persons or legal institutions on its territory from which a release of radioactive materials occurs or is likely to occur, the Member State shall notify to the Commission and the neighbouring Member States:

- (a) forthwith, the levels of radioactivity measured and/or the accident or event, its nature, the time of its occurrence and exact location;
- (b) as soon as available, the information specified in Article 2.

#### *Article 2*

1. The information to be provided pursuant to Article 1 (b) shall include the following:

- (a) the assumed or established cause and the foreseeable development of the nuclear accident relevant to the release of the radioactive materials;
- (b) the general characteristics of the radioactive release, including, as far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;
- (c) information on current and forecast meteorological and hydrological conditions, necessary for forecasting the dispersion of the radioactive release;
- (d) the results of environmental monitoring;
- (e) the results of measurements of foodstuffs, feedingstuffs and drinking water;
- (f) the protective measures taken or planned;
- (g) the measures taken, or planned, to inform the public;
- (h) the predicted behaviour over time of the radioactive release.

2. The information shall be supplemented at appropriate intervals by further relevant information, including the development of the emergency situation and its foreseeable or actual termination.

3. The Member State shall continue to inform the Commission at appropriate intervals of the levels of radioactivity as laid down in paragraph 1 (d) and (e) for a period determined by the Commission.

#### *Article 3*

Any Member State, upon receipt of the information set out in Articles 1 and 2 shall:

- (a) promptly inform the Commission of the measures taken and recommendations issued following the receipt of such information;
- (b) inform the Commission, at appropriate intervals, of the levels of radioactivity measured by their monitoring facilities in foodstuffs, feedingstuffs, drinking water and the environment.

*Article 4*

1. Upon receipt of the information referred to in Articles 1, 2 and 3 the Commission shall immediately forward it to the competent authorities of all other Member States. Equally the Commission shall forward to all Member States any information it receives about significant increases in the level of radioactivity or about nuclear accidents in States adjacent to the Community.
2. Detailed procedures for the transmission of the information referred to in Articles 1 to 4 shall be agreed by the Commission and the competent authorities of the Member States, and tested at regular intervals.
3. Each Member State shall indicate to the Commission the competent national authorities and points of contact designated to forward or receive the information set out in Articles 1 to 4. The Commission shall in turn communicate this and details of the designated Commission service to the competent authorities of the other Member States.
4. Points of contact and the designated Commission service shall be available on a 24-hour basis. The Commission shall set up an emergency service for this purpose.

*Article 5*

Information received pursuant to Articles 1, 2 and 3 may be used without restrictions except when such information is provided in confidence by the notifying

Member State. In this case, the Commission shall inform the competent authorities of the other Member States of any restrictions placed on the information.

*Article 6*

1. Member States shall communicate to the Commission the provisions containing the criteria and action plans relating to emergency situations referred to in Article 1.
2. The Commission shall make appropriate recommendations for harmonizing the provisions applicable in this field in the Member States.

*Article 7*

The Commission shall evaluate the information received pursuant to Articles 1, 2 and 3 and shall report to the Member States on the radiological risks involved. Without prejudice to its powers under the Euratom Treaty the Commission may issue a recommendation laying down guidance for appropriate action by the Member States.

*Article 8*

Member States shall take the measures necessary to comply with this Decision within three months of its notification.

*Article 9*

This Decision is addressed to the Member States.

**Proposal for a Council Regulation on special arrangements for imports of maize and sorghum into Spain for 1987 to 1990**

*COM(87) 244 final*

*(Submitted by the Commission to the Council on 25 May 1987)*

(87/C 160/08)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, under an agreement between the European Economic Community and the United States of America concerning the conclusion of the negotiations under Article XXIV (6) of the General Agreement on Tariffs and Trade (GATT), approved by Council Decision 87/224/EEC (1), the Community undertook, in respect

of the years 1987 to 1990, to open annual quotas for imports into Spain of 2 million tonnes of maize and 300 000 tonnes of sorghum, minus the quantities of certain grain substitutes imported into that country during the same year, either directly or indirectly; whereas the quantities of maize and sorghum imported must be used or processed in Spain;

Whereas the implementation of the agreement referred to above can be contemplated either under a levy reduction system or by direct purchases on the world

(1) OJ No L 98, 10. 4. 1987, p. 1.