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P6\_TA(2007)0182

## **Environmental protection from radiation following the crash of a military aircraft in Greenland**

### **European Parliament resolution of 10 May 2007 on the public health consequences of the 1968 Thule crash (Petition 720/2002) (2006/2012(INI))**

*The European Parliament,*

- having regard to Petition 720/2002,
  - having regard to Article 21 of the EC Treaty, which confers on every citizen of the Union the right to petition the European Parliament in accordance with Article 194 thereof,
  - having regard to Article 107c of the Euratom Treaty and Article 194 of the EC Treaty, which confer on any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Communities' fields of activity and which affects him, her or it directly,
  - having regard to Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation<sup>(1)</sup>,
  - having regard to the judgments of the Court of Justice of the European Communities of 12 April 2005 and 9 March 2006 in Cases C-61/03 *Commission v United Kingdom* and C-65/04 *Commission v United Kingdom*,
  - having regard to Rule 192(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Petitions (A6-0156/2007),
- A. considering the substantial issues and serious problems raised by the petitioner and the vital importance of the objective of protecting the health of the public and the environment against the dangers related to the use of nuclear energy, as recognised by the Court of Justice,
- B. whereas the petition disclosed that workers and members of the public were irradiated by extremely hazardous weapons grade plutonium following the crash of a US B-52 carrying nuclear weapons at Thule in Greenland in 1968,
- C. whereas many Thule survivors have died of radiation-related illnesses due to the lack of medical monitoring and current survivors risk contracting such fatal illnesses,
- D. whereas monitoring of the health of the Thule survivors would facilitate early detection of radiation illnesses and the treatment thereof,
- E. whereas the Danish Government has indicated its intention to promote maximal openness about the 'clean-up' operation following the Thule crash,
- F. whereas Article 2(b) of the Euratom Treaty states that the Community shall 'establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied',

<sup>(1)</sup> OJ L 159, 29.6.1996, p. 1.

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- G. whereas the Court of Justice has held that the Euratom Treaty Chapter on Health and Safety forms a 'coherent whole conferring upon the Commission powers of some considerable scope in order to protect the population and the environment against the risks of nuclear contamination' <sup>(1)</sup> and whereas the Court has also upheld a broad interpretation of the provisions of that Chapter in order 'to ensure the consistent and effective protection of the health of the general public against the dangers arising from ionising radiations, whatever their source' <sup>(2)</sup>,
- H. whereas the Commission and the Kingdom of Denmark have consistently refused to recognise the applicability of the Euratom Treaty and secondary legislation adopted thereunder to the after-effects of the Thule crash;
1. Notes that, according to the settled case-law of the Court of Justice, new rules of Community law apply, as a matter of principle, to the future effects of situations which arose before the new rule entered into force;
  2. Concludes that the Euratom Treaty was immediately applicable and binding on the Kingdom of Denmark from the date of its accession, with the result that it applied to the future effects of situations arising prior to the Kingdom of Denmark's accession to the Communities;
  3. Observes that the Euratom Treaty applied to Greenland for 12 years from Denmark's accession in 1973 to the entry into force on 1 January 1985 of the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities; considers, however, that since the latter Treaty has no retroactive effect, the Kingdom of Denmark remains bound by any existing legal obligations relating to events having occurred on the territory of Greenland before 1 January 1985 and, furthermore, that the after-effects on human health of the 1968 crash are not confined to Greenland, as it is apparent that many of the workers, including European citizens, have since moved to mainland Denmark;
  4. Takes note of the recent case-law to the effect that the Euratom Treaty 'is not applicable to uses of nuclear energy for military purposes' <sup>(3)</sup>; however, considers that the Court of Justice clearly linked its restrictive interpretation of the scope of the Euratom Treaty with the need to protect the essential national defence interests of the Member States;
  5. Insists that the aforementioned limitation on the scope of the Euratom Treaty should not be invoked to avoid the application of health and safety legislation in situations where the alleged military purpose concerns a third State, where the use of nuclear energy is in breach of an international agreement and where the only feasibly present connection with a defence interest of a Member State is that the release of nuclear material occurred on its territory;
  6. Notes that Article 2(3) of Directive 96/29/Euratom applies to cases of lasting exposure resulting from the after-effects of a radiological emergency;
  7. Calls on the Kingdom of Denmark, in close cooperation with the Greenland authorities, and in accordance with Article 38 of the Directive, to 'initiate surveillance and intervention measures' in relation to the continuing after-effects of the Thule crash, and, in accordance with Article 53 of that Directive, to make 'arrangements for the monitoring of exposure' and implement 'any appropriate intervention (...) taking account of the real characteristics of the situation';
  8. Considering that fundamental rights form an integral part of the general principles of Community law, and having regard to the positive obligations entailed by Articles 2 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, calls on those Member States engaged in hazardous activities which might have hidden adverse consequences on the health of those involved in such activities to ensure that an effective and accessible procedure be established which enables such persons to seek all relevant and appropriate information;

<sup>(1)</sup> Case 187/87 *Saarland* [1988] ECR 5013, paragraph 11.

<sup>(2)</sup> Case C-70/88 *Parliament v Council* [1991] ECR I-4529, paragraph 14.

<sup>(3)</sup> Case C-61/03 *Commission v United Kingdom* [2005] ECR I-2477, 'Jason Reactor', paragraph 44.

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9. Calls on the Member States to implement and apply Directive 96/29/Euratom without delay, and urges the Commission to pursue vigorously any failure to fulfil their obligations in that regard;
  10. Doubts that the Kingdom of Denmark has fully complied with its obligations under Directive 96/29/Euratom in relation to the Thule crash and its after-effects;
  11. Expresses great concern at the current existence of a gap in the protection of the health of the general public with regard to the use of nuclear energy for military purposes;
  12. Calls on the Commission to come forward with a proposal addressing the vital public health and environmental implications of the use of nuclear energy for military purposes, in order to fill this lacuna;
  13. Considers that the core provisions of the Euratom Treaty have not been substantially amended since its entry into force and need to be brought up to date;
  14. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of the Kingdom of Denmark.
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## **Housing and regional policy**

### **European Parliament resolution of 10 May 2007 on housing and regional policy (2006/2108(INI))**

*The European Parliament,*

- having regard to the rules governing the Structural Funds for the period 2007-2013,
- having regard to its resolution of 26 September 2006 on a thematic strategy for the urban environment <sup>(1)</sup>,
- having regard to its resolution of 13 October 2005 on the urban dimension in the context of enlargement <sup>(2)</sup>,
- having regard to the Council's resolution of 12 February 2001 on architectural quality in urban and rural environments <sup>(3)</sup>,
- having regard to the Commission communication: Cohesion Policy and cities: the urban contribution to growth and jobs in the regions (COM(2006)0385),
- having regard to the Commission communication: the Thematic Strategy on the Urban Environment (COM(2005)0718),
- having regard to the Commission Green Paper of 22 June 2005: Energy Efficiency — or Doing More With Less (COM(2005)0265),
- having regard to the Bristol Accord of 7 December 2005, which mentions, among the eight characteristics of a sustainable city, a well-designed and well-built high-quality urban environment,
- having regard to the Social Charter of the Council of Europe — revised version (ETS 163), signed in Strasbourg on 3 May 1996,

<sup>(1)</sup> Texts Adopted, P6\_TA(2006)0367.

<sup>(2)</sup> OJ C 233 E, 28.9.2006, p. 127.

<sup>(3)</sup> OJ C 73, 6.3.2001, p. 6.