

# Case C-376/90

## Commission of the European Communities

v

## Kingdom of Belgium

(Failure of a Member State to fulfil its obligations —  
Council Directive 80/836/Euratom — Protection of the health  
of the general public and of workers against the dangers of ionizing radiation)

Report for the Hearing .....	I - 6154
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### Summary of the Judgment

- EAEC — Protection of health — Establishment of uniform safety standards — Stricter national rules — Whether permissible*  
(*EAEC Treaty, Art. 2(b)*)
  - EAEC — Protection of health — Basic rules laid down by Directive 80/836 — Minimum standards not excluding stricter national rules*  
(*Council Directive 80/836/Euratom, Art. 10(2)*)
- The obligation imposed on the Community by Article 2(b) of the EAEC Treaty to lay down uniform safety standards to protect the health of the population and of workers does not mean that, once such standards have been defined, a Member State may not provide for more rigorous protection.
  - It is apparent from the background to Directive 80/836 laying down basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation that the dose limits laid down in Article 10(2) thereof for apprentices and students aged between 16 and 18 years represent only

minimum protection. That interpretation is corroborated by the fact that Article 7(1) of the Directive, read in conjunction with Article 1(c) thereof, provides for higher levels of protection for workers of the same age. It follows that, in the absence of an express provision to the contrary, the Directive must be inter-

preted as allowing the Member States to set, for apprentices and students aged between 16 and 18 years, stricter dose limits than those which it prescribes and to ensure for such people the higher level of protection which the Directive guarantees for workers of the same age.

## REPORT FOR THE HEARING in Case C-376/90 \*

### I — Legal background and preliminary procedure

#### A — *Community legislation*

1. Under Article 2(b) of the Treaty establishing the European Atomic Energy Community the Community must 'establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied'.

2. In this connection, Article 30 of the Treaty states:

'Basic standards shall be laid down within the Community for the protection of the health of workers and the general public against the dangers arising from ionizing radiations.

The expression "basic standards" means:

- (a) maximum permissible doses compatible with adequate safety;
- (b) maximum permissible levels of exposure and contamination;
- (c) the fundamental principles governing the health surveillance of workers.'

3. The Council is required to determine the basic standards in accordance with the procedure laid down in Article 31 of the Treaty. The basic standards may be 'revised' or 'supplemented' in the circumstances provided for by Article 32.

\* Language of the case: French.