

**Opinion
of the Group of experts referred to in Article 31 of the Euratom Treaty**

on

Draft proposal for a Council framework Directive (Euratom)

**setting out basic obligations and general principles on the safety of nuclear
installations**

The Group of experts referred to in Article 31 of the Euratom Treaty has noted that :

- the legal basis chosen by the Commission for this Directive is Title II Chapter 3 of the Euratom Treaty;
- the European Court of Justice stated that “it is not appropriate in order to define the Community’s competencies, to draw an artificial distinction between the protection of the health of the general public and the safety of sources of ionizing radiation”;
- this legal basis has been disputed but this Group does not regard itself as competent to give an opinion on the appropriateness of the legal basis.

The Group recognizing that in its present composition, its expertise is primarily in the field of radiation protection as specified in Articles 30 to 32 of the Euratom Treaty, and in conformity with its Code of Ethics has focused its opinion on those aspects of the draft directive which would enhance the overall objectives of radiation protection.

Having considered, that

Council Directive 96/29/Euratom lays down the Basic Safety Standards and Member States ensure, in compliance with the said Directive, the safety of nuclear facilities from the design to the decommissioning ;

The International Convention on Nuclear Safety, which entered into force on 24 October 1996 and to which all Member States are parties, lays down fundamental principles for ensuring the safety of civil nuclear power plants. The European Atomic Energy Community acceded to the Convention on 31 January 2000.

The impending enlargement of the European union may require additional measures relating to the safety of nuclear installations.

Issues the following opinion to the European Commission:

1. The document submitted to the Group needs improvement and the Commission has been made aware of the points that should be amended or clarified.
2. However, the Group wishes to commend the Commission for its objective of promoting the highest standard of nuclear safety within the enlarged European Union and recommends that the Commission should take advantage of all existing initiatives in this direction (e.g. Nuclear Safety Convention, IAEA safety standards...)
3. The Group supports the initiative of the European Commission to propose an appropriate framework setting out basic obligations and general principles on the safety of nuclear installations. This initiative should promote the conditions necessary to enhance harmonisation of nuclear safety within the enlarged European Union.
4. Considering the variety of technical aspects that are likely to arise from any such future framework initiative on the Community health protection policy, the Group recommends that the Commission consults with the STC to establish the most appropriate mechanism for obtaining "Article 31 opinion" by experts under Chapter 3 of the Euratom Treaty.

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Chairman of the plenary meeting