

NUCLEAR FREE ZONES SCOTLAND

Steering Committee

PRESS CONFERENCE ON EUROPEAN NUCLEAR DIRECTIVE

Report by Secretariat

Purpose of Report

To inform members of initiatives being taken by Nuclear Free Local Authorities and Nuclear Free Zones (Scotland) to try to accelerate implementation of the Euratom Directive on advising the public on what to do in the event of a nuclear accident or emergency, the Directive which the UK Government should have complied with by 28 November 1991 but has yet to implement.

:-:

1. At its meeting on 5 November 1991, the Nuclear Free Zones (Scotland) Steering Committee agreed (Minutes paragraph 9) that action should be taken in Scotland, to publicise the Government's failure to comply with the Euratom Directive 89/618 in conjunction with similar activity by the NSC.
2. On this basis, press conferences were held in London and Glasgow on Thursday 28 November at which the undernoted information was issued:-
 - i) A press release (UK and Scottish) outlining the issues
 - ii) A report "Public Information about Nuclear Emergencies: Background Briefing" which outlines the nature of information and ways of providing it that Nuclear Free Zones think would be appropriate and summarises the range of nuclear related activities in the UK covered by the Directive.
 - iii) A series of maps identifying nuclear related facilities in the UK and Air, Sea, Road and Rail nuclear transportation routes in and around the UK.
 - iv) A letter to Sr Ripa di Meana (E.C. Commissioner for Environment, Consumer Protection and Nuclear Safety) lodging a legal complaint, on behalf of the National Steering Committee, regarding the failure of the UK Government to implement the directive.
3. Copies of the material outlined at 2(i) - (iv) above are attached to this report for information. The Scottish legal position is still being investigated.

Recommendation

Members are asked to note this report.



**NUCLEAR FREE
LOCAL AUTHORITIES**

NATIONAL STEERING COMMITTEE

LEGAL ADVISER

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YOUR REFERENCE

MY REFERENCE

DATE

28th November 1991

**Sr Carlo Ripa di Meana
Commissioner for Environment, Consumer Protection and Nuclear
Safety
DGXI
Rue de la Loi 200
B-1049 Brussels
Belgium**

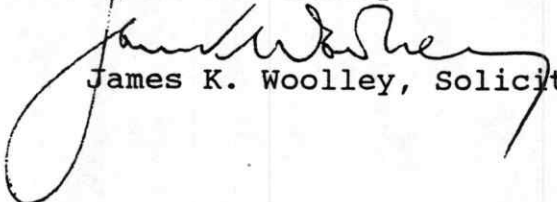
Dear Sr Ripa di Meana,

**EC DIRECTIVE 89/618 EURATOM of 27th November 1989 on informing
the general public about health protection measures to be
applied and steps to be taken in the event of a radiological
emergency: ARTICLES 124 and 192 of the EURATOM TREATY**

**I write on behalf of the National Steering Committee to
formally lodge the accompanying legal complaint with you
regarding the total failure of the UK Government to implement
the requirements of the above Directive by the due date i.e.
28th November 1991. The Committee which I serve acts on behalf
of over 170 UK local authorities which in turn represent some
thirty million inhabitants.**

**I would be grateful if you would acknowledge receipt of the
complaint.**

Yours faithfully


James K. Woolley, Solicitor



COMPLAINT TO THE EUROPEAN COMMISSION

Complaint to the Commission of the European Communities for Failure to Comply with Community Law (89/c/26/07)

Name of Complainant:

J.K. Woolley, Solicitor on behalf of National Steering Committee of Nuclear Free Local Authorities on behalf of over 170 UK Local Authorities on behalf of some 30 million UK citizens

Nationality:

British

Address:

Room 52, Town Hall Chambers, 1 Barkers Pool, Sheffield S1 1EN

Sphere of Activity:

Local Government, Environmental Protection, Nuclear Safety and Public Safety

Member State, body or undertaking which has failed to comply with community law:

The UK Government
The Secretary of State for Energy
The Secretary of State for Defence
The Secretary of State for Environment
The Secretary of State for Health
The Secretary of State for Agriculture
The Secretary of State for Transport
The Secretary of State for Scotland
The Secretary of State for Wales
Health and Safety Executive
Nuclear Installations Inspectorate
National Radiological Protection Board
HM Inspectorate of Pollution
Nuclear Electric PLC
Scottish Nuclear PLC
United Kingdom Atomic Energy Authority
British Nuclear Fuels Ltd

Subject matter of complaint and damage suffered if any:

Failure to implement EC Directive 89/618 EURATOM
(a) by failing to pass any implementing laws by the due date (28th November 1991) and
(b) by failing to ensure in any way whatsoever as a result of the Directive that the population referred to in Article 5.1 and the emergency response personnel referred to in Article 7.1 have been given the information set out in Schedule 1 and Article 7.2 respectively by the due date (28th November 1991).

Damage suffered:

Loss of satisfactory radiation protection for the public and emergency service personnel by failing to provide them with the necessary prior information; breach of directly effective rights to that information; anxiety caused by failure to provide this necessary information for the public and emergency personnel; uncertainty and expense caused to local government in attempting to verify whether the Directive is directly effective against local government as an emanation of the state after the Directive's implementation date but before the UK Government eventually implements the Directive including legal costs, management and employee costs arising in considering the effect of the Directive for firefighters employed by Local Government.

Steps taken before national or Community authorities:

- Administrative Steps

some thirty detailed letters written to relevant Departments etc of Government giving rise to a virtually complete denial of any useful information about implementation intentions. Full correspondence can be provided if desired.

- Proceedings if any before courts or tribunals:

None to date

Documentary or other evidence in support of complaint:

The responsibilities in the UK for intervention plans referred to in Article 4 of the Directive are set out in "Arrangements for responding to nuclear emergencies" enclosed, see page 14 onwards. A National Response Plan exists for overseas nuclear accidents which covers the entire UK, details enclosed. The Ministry of Defence and its relevant panels e.g. the Naval Nuclear Safety Panel are responsible for military nuclear accidents to weapons, weapons materials and submarines with nuclear reactors. Civil Defence Plans exist for the entire UK for nuclear fall-out in the event of the explosion of nuclear weapons falling within Art 2.1(b) for which local authorities and central government are responsible.

None of the population groups for which the UK has drawn up (or required to be drawn up) the above intervention plans in the event of a radiological emergency have been given the information required by Article 5 (applying the definition in Article 4). It is also clear that the population of the UK as a whole constitutes a "population group" in its own right by virtue of the existence of the National Response Plan and in accordance with the advice on implementing the Directive set out in Commission Communication 91/C 103/03

In addition no emergency personnel have been given the information required by Article 7 pursuant to the Directive.

john



PRESS CONFERENCE ON EUROPEAN NUCLEAR DIRECTIVE

Nuclear Free Zones Scotland is holding a press conference on Thursday 28 November on the failure of the British Government to implement European Community Directive Euratom 89/618.

The EC deadline for transposing the directive into United Kingdom law runs out on Wednesday 27 November. Governments are required by the directive to make public information on basic facts about radioactivity including the transport of nuclear materials.

NFZ Scotland is concerned about the failure of the government to act on the directive. It is also considering what legal action might be taken to remedy the situation.

Note To Editors:

Councillor Iain MacDonald, Convener of NFZ Scotland, will chair a press conference on EC Directive Euratom 89/618 at 10.30 am on Thursday 28 November in committee room 1 Strathclyde House 1 20 India Street Glasgow G2 4PF. Further information and a new map of nuclear convoy routes will be available. You are cordially invited to send a reporter and/or photographer/camera crew to cover this event.

Enquiries to:

Hugh Dougherty

Senior Press Officer

041 227 3422 25 November 1991