

EUROPEAN PARLIAMENT

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2004

Committee on Petitions

22 April 2004

NOTICE TO MEMBERS

Petition 720/2002 by Jeffrey Carswell, born of Danish nationality, now Australian nationality, on environmental protection from radiation in the European Union

1. Summary of petition

The petitioner submits a very comprehensive dossier on a crash of a US military aeroplane with four plutonium, therm-nuclear weapons on board in 1968 near Thule, Greenland, Denmark, two days before national elections. The petitioner says that this event and the disastrous consequences for humans and nature have been kept secret by the Danish authorities, which makes it impossible for him to obtain compensation for the illnesses he got, and for which he makes this incident responsible. The US and Denmark had signed a military defence agreement pursuant to the NATO obligations in both countries in 1957, which was the base for a/o. unrestricted overflying of Greenland by US military aircrafts. The petitioner himself was employed by the Danish Construction Company and worked between 1966 and 1971 as a shipping clerk with approx. 1200 other civilians on the US military base in Thule. They experienced a shock on 21 January, they were informed of the crash, and of the fact that nuclear weapons had been on board of the plane. The petitioner continued to live and work at this base and continued to obtain ice for beverages from icebergs in the Wolstenholme Fjord. In 1984 the petitioner was diagnosed with cancer of the stomach and another pre-cancerous situation, which he leads back to the exposure to plutonium after the aeroplane crash in 1968. He became aware that his condition was linked to this incident when he was informed in the 1980's that many of his former Danish co-workers at Thule had developed similar radiogenic cancers and conditions. He says that the Danish Government has not publicised any information about the incident, although he has proof that the Government was aware of the radiation contamination at Thule. The petitioner encloses correspondence between the US and the Danish authorities after the incident showing that Denmark wished to treat the matter themselves. The petitioner complains that Denmark failed to evacuate the workers from the site at the time, to warn them or inform them about the extensive radiation, or to make the

necessary follow-up medical tests and examinations of persons exposed to radiation. He points out that Denmark does not comply with Art 53 of the Council Directive 96/29, Euratom of 13 May 1996, which requires subsequent monitoring of exposed persons and the compilation and implementation of an appropriate intervention plan where there has been a past radiation incident. The petitioner also says that Denmark's refusal to allow public access to the 1968 scientific records of radiation contamination in Thule violates the principles of the European Union of radiation safety for both workers and the general public. The petitioner wishes that Denmark grants access to the 1968 scientific records to former Thule workers and the public, and that they carry out proper follow-up examinations and tests on the surviving civilian workers. Denmark should make adequate provisions for the creation and implementation of a claims system modelled on the procedures employed by the Marshall Islands Nuclear Claims Tribunal.

2. Admissibility

Declared admissible on 14 March 2003. Information requested from Commission under Rule 175(3).

3. Commission reply, received on 16 June 2003

'The petitioner alleges that the health problems he is suffering from are consequences of the fact that he has worked at a US military site at Thule (Greenland) between 1966 and 1971, period during which a military plane bearing four thermonuclear weapons crashed near the military base.

Shortly after this plane crash which occurred in January 1968, the Danish Government arranged to send a Danish team of radiation experts in order that possible radioactive contamination of the Thule area be monitored and reported. Arrangements were made for the removal of debris from the plane. The civilian workers of the Thule base were involved in these operations, the petitioner being one of them. The petitioner claims that no information about the risks involved and the protective measures against radiological exposures was provided to the civilian workers involved in the cleaning up of the site.

In a statement made by the Chairman of the Danish Atomic Energy Commission later on, the conclusion was that "no danger to man or animal and plant life was created by the Thule accident".

An organisation gathering the former civilian workers of the Thule base has been set up. In 1993, this organisation brought a legal action against the Danish Government, seeking recognition of its responsibilities towards the workers. The petitioner claims that the action failed due to the Government denial of access to scientific data on radiological contamination found at Thule after the crash.

Consequently, the petitioner considers that Denmark's denial of access to such data violates the relevant provisions of the Euratom Treaty and its secondary legislation concerning the protection of workers and the public against ionising radiation. By doing so, the petitioner further considers that Denmark fails to implement several provisions of Directive 96/29/Euratom¹, including Article 53. Consequently, the petitioner requests that proper

¹ Council Directive [96/29/Euratom](#) of 13 May 1996 laying down basic safety standards for the protection of the

medical examinations of the workers involved as well as the indigenous population be done and that a claim system be set up by the Danish Government.

The Commission is able to give the following information:

Denmark acceded to the Treaty establishing the European Atomic Energy Community in 1973. Under Article 198 of this Treaty, the only exception concerning Denmark relates to the Faeroe Islands.

This legal situation leads to the following conclusions:

- When the accident occurred, Denmark was not a Member State and could not therefore be considered as being bound by the Community legislation applicable at that time. The obligations of Denmark towards the workers and the population likely to be affected by the accident could only flow from national legislation.

- As from 1973, Denmark became bound by the obligations deriving from the Euratom Treaty and its secondary legislation and, in particular, provisions of Chapter 3 of Title II of the Euratom Treaty and the previous Directive laying down the basic safety standards (80/836/Euratom). However, the obligations of Denmark deriving from this Community legislation require account be taken of the fact that the accident occurred before Denmark became a Member State. Denmark is therefore not compelled to provide the Commission with the details of how it implemented this legislation for the protection of exposed workers and the environment.

- The provisions of Article 53 of Directive 96/29/Euratom are designed to determine the current effects of a past radiological accident but it does not apply to the health consequences for the workers and the public at the time the accident occurred. When considering the petitioner's requests in this matter, Article 53 cannot therefore be used as a means to obtain information related to the possible radiological contamination of the workers and the public in 1968.

- As far as the possibility to request from the Danish authorities that a claim system be set up, it is the responsibility of the Member States to set up an appropriate system of recognition and compensation of occupational diseases.

4. Commission reply, received on 23 March 2004

At the meeting of the Petition Committee which took place on 26 November 2003, it was decided that the Commission would address a request to the Danish authorities to provide environmental data concerning the territory of Greenland. This information would allow the Commission services to determine the consequences of the accident in 1968 from a radiological viewpoint and decide whether any remedial measure would be required under Article 53 of Directive 96/29/Euratom, which lays down the Basis Safety Standards for Radiation Protection (concerning so-called "lasting exposures").

health of workers and the general public against the dangers arising from ionizing radiation (Official Journal L 159, 29.6.1996)

The Commission services were contacted informally by the Danish Environment Ministry end of January 2004. The Ministry communicated that the omission of Greenland from the list of territories to which the Euratom treaty applies had resulted from a material error in the compilation of the Maastricht revision of the Treaties. Consequently, the Kingdom of Denmark asked in 1996 for a rectification of the Treaty. Notwithstanding the formal accomplishment of the rectification procedure, a corrigendum was never published in the Official Journal.

This lack of publication led the Commission's services to ask for an opinion of the Commission's Legal Service, in order to ascertain the legal value of a rectification of the Treaty that was not followed by the publication in the Official Journal.

The Committee for Petitions will be kept informed on the further developments in this case.