

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

20.03.2009

NOTICE TO MEMBERS

Subject: **Petition 1458/2007 by Mr. Luis de la Rasilla Sánchez-Arjona (Spanish), on behalf of Proyecto Inter/Sur para la Ecociudadania, on contamination of the river Tinto with the radioactive isotope cesium-137 and insufficient surveillance measures after the 1998 Acerinox accident (Huelva, Andalucia)**

1. Summary of petition

The petitioner asks the European Parliament to have the European Commission investigate the implementation of the surveillance plan set up by the Andalucian environmental authority (EGMASA - Empresa de Gestión Medioambiental de la Junta de Andalucía) after the 1998 Acerinox accident. According to the petitioner, recent data show a discharge of cesium-137 radioactive isotope into the river Tinto within the proximity of several highly frequented sites. The petitioner argues that thousands of persons are exposed daily to this radioactivity and that EGMASA has failed to take the necessary steps to ensure the sealing of the area. The petitioner maintains that European Regional Development Fund financed several projects proposed by EGMASA in the wake of the Acerinox accident and would like an investigation into the way funds have been spent.

2. Admissibility

Declared admissible on 29 May 2008. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 20 March 2009.

The petition

According to the petitioner, recent data show elevated levels of caesium-137 radioactive isotope in the River Tinto, within the proximity of several highly frequented sites.

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The radioactivity is argued to be released from 7.000 tonnes of radioactively-contaminated material originating from the Acerinox incident in 1998, after its uncontrolled disposal in the waste processing plant CRI-9 (*Centro de Recuperación de Inertes no 9*), in Marismas de Mendaña, in the marshes of the Tinto and Odiel Rivers, in Huelva.

The petitioner reports that thousands of persons are exposed daily to ionising radiation because of this radioactivity.

He states that EGMASA (*Empresa de Gestión Medioambiental*), which is the Environmental Management Company of the Regional Government of Andalusia, was given responsibility for implementing a 30-year plan to monitor the uncontrolled disposal of material contaminated by caesium-137 and to prevent this radioactive element from being released into the environment. He maintains that EGMASA has failed to take the necessary steps to ensure the sealing of the area.

Moreover, the petitioner argues that the European Regional Development Fund financed several projects proposed by EGMASA in the wake of the Acerinox incident.

The petitioner calls for a parliamentary inquiry on the European Commission's role in relation with measures taken after the Acerinox incident, and, more specifically, in relation with the activity of Egmasa.

He would also like an investigation to be carried out on the role of the European Regional Development Fund (ERDF) in financing the various related projects.

THE COMMISSION'S COMMENTS ON THE PETITION

The Commission would like to highlight its commitment to ensuring that legal requirements contained in the Euratom Treaty and the secondary legislation adopted on the basis of the Treaty are complied with.

Related to the possible radioactive pollution in Huelva as a consequence of the 1998 incident, according to the report issued by the Spanish Nuclear Safety Council, CSN¹, the responsible national authorities have correctly applied Council Directive 96/29/Euratom (BSS Directive)². In particular, according to data presently available to the Commission, the Cs-137 activity concentration in the clean-up residues of the Acerinox steel works is below the exemption level of 10 Bq/g.

Moreover, with regard to the material deposited in Huelva after the incident but prior to its identification, the provisions of Article 53 of the BSS Directive on the intervention in cases of lasting exposure resulting from the after-effects of a radiological emergency were fully respected by the competent authority. CSN is currently evaluating a report on a study with regard to improving the conditions at the site (CSN Press Release of 23.6.2008).

¹ CSN/IEV/CTPA/CRI-9/0712/06 Rev. 1

² 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, OJ L 159, 29.6.1996.

The Commission understands that a long-term plan is ongoing, the implementation of which is monitored by the national regulatory authority.

As regards a possible involvement of EU financing in the area, the Spanish authorities, who are responsible for selecting the individual operations under certain conditions previously agreed, have informed the Commission that EGMASA has not benefitted from ERDF funding for any operation in the concerned area of the River Tinto.

The European Anti-Fraud Office (OLAF) received this petition directly from the Committee on Budgetary Control of the European Parliament in July 2008. OLAF decided, on 18 November 2008, to classify this matter as a non-case as it falls outside OLAF's mandate.

CONCLUSIONS

On the basis of the available information, the Commission has not identified any infringement to the Euratom Law in relation to the management of the consequences of the Acerinox incident. Therefore, it does not intend to take any further measures at this stage.

The Commission will, nevertheless, continue to follow the issue.