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**A5-0363/2003**

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## **REPORT**

on the proposal for a Council directive on the control of high activity sealed  
radioactive sources  
(COM(2003) 18 – C5-0019/2003 – 2003/0005(CNS))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Françoise Grossetête

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 3 February 2003 the Council consulted Parliament, pursuant to Article 31, para.2 and Article 32 of the EURATOM Treaty, on the proposal for a Council directive on the control of high activity sealed radioactive sources (COM(2003) 18 – 2003/0005(CNS)).

At the sitting of 10 February 2003 the President of Parliament announced that he had referred the proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and the Committee on Employment and Social Affairs and to the Committee on Industry, External Trade, Research and Energy for their opinions (C5-0019/2003).

The Committee on the Environment, Public Health and Consumer Policy appointed Françoise Grossetête rapporteur at its meeting of 22 April 2003.

The committee considered the Commission proposal and draft report at its meetings of 1 October and 3 November 2003.

At the last meeting it adopted the draft legislative resolution unanimously.

The following were present for the vote: Caroline F. Jackson, chairman; Alexander de Roo, Mauro Nobilia and Guido Sacconi, vice-chairmen; Françoise Grossetête, rapporteur; and María del Pilar Ayuso González, María Luisa Bergaz Conesa, Hans Blokland, John Bowis, Niels Busk (for Jules Maaten), Dorette Corbey, Avril Doyle, Anne Ferreira, Robert Goodwill, Bernd Lange, Rosemarie Müller, Riitta Myller, Giuseppe Nisticò, Marit Paulsen, Frédérique Ries, Karin Scheele, Horst Schnellhardt, Jonas Sjöstedt, Antonios Trakatellis, Peder Wachtmeister and Phillip Whitehead.

The Committee on Employment and Social Affairs decided on 12 February 2003 not to deliver an opinion and the Committee on Industry, External Trade, Research and Energy decided on 24 April 2003 not to deliver an opinion.

The report was tabled on 4 November 2003.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council directive on the control of high activity sealed radioactive sources

(COM(2003) 18 – C5-0019/2003 – 2003/0005(CNS))

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2003) 18)<sup>1</sup>,
  - having regard to Article 31, para.2 and Article 32 of the EURATOM Treaty, pursuant to which the Council consulted Parliament (C5-0019/2003),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0363/2003),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 119, second paragraph, of the Euratom Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

### Amendment 1 Article 2, point a)

*(a) High activity source or source* means a sealed source containing a radionuclide whose activity at the time of fabrication or of the first placing on the market is equal to or exceeds the relevant activity level specified in Annex I;

*(a) High activity source or source* means a sealed source containing a radionuclide whose activity at the time of fabrication or of the first placing on the market is equal to or exceeds the relevant activity level specified in Annex I, ***i.e. when the dose rate is more than 1 mSv/h at one meter distance;***

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<sup>1</sup> Not yet published in OJ..

### *Justification*

*Although this figure appears in the Explanatory Memorandum, it does not appear in the articles of the Directive. For the sake of clarity, it is essential that this information should be included in the definitions.*

### Amendment 2

#### Article 3, paragraph 2, point (a)

2. Member States shall ensure that, before issuing an authorisation:

(a) arrangements have been made for the safe management of high activity sources, including when they become disused sources;

2. Member States shall ensure that, before issuing an authorisation:

(a) arrangements have been made, ***in particular by the supplier***, for the safe management of high activity sources, including when they become disused sources;

### *Justification*

*The supplier is best qualified, particularly from a technical point of view, to manage the life cycle of the high activity source which he supplies or makes available.*

### Amendment 3

#### Article 3, paragraph 2, point (b), first sentence

(b) financial provision has been made for the safe management of high activity sources when they become disused sources.

(b) financial provision has been made, ***in particular by the supplier***, for the safe management of high activity sources when they become disused sources.

### *Justification*

*The supplier is best qualified, particularly from a technical point of view, to manage the life cycle of the high activity source which he supplies or makes available.*

### Amendment 4

#### Article 4, paragraph 2 (new)

#### **Transfers**

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***This system should also take account of potential movements between Member States and of sources entering and leaving the European Union. In this case, Member States shall ensure effective***

*cooperation between the competent authorities.*

*Justification*

*The Directive does not contain provisions on exports and imports, though such movements do exist. For the sake of safety and traceability, provision should be made to monitor such movements.*

Amendment 5  
Article 15

**Penalties**

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by the date specified in Article 16 (1) at the latest and shall notify it without delay of any subsequent amendment affecting them.

**Penalties**

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate, dissuasive, ***and, as far as possible, harmonised among Member States.*** Member States shall notify those provisions to the Commission by the date specified in Article 16 (1) at the latest and shall notify it without delay of any subsequent amendment affecting them.

*Justification*

*The aim of this notification procedure is to set up a genuine Community scheme, avoiding disparities prejudicial to effective application of the Directive.*

## EXPLANATORY STATEMENT

The text submitted to the European Parliament for its opinion is satisfactory in certain respects, in particular the endeavour to improve safety in relation to sealed high activity sources.

Numerous radioactive sources are used for a wide range of purposes throughout the world. The risks associated with these sources vary and one of the difficulties to be faced arises from 'orphan' sources which may be discovered by individuals who are unaware of the risks that they entail.

The system put forward enables those risks to be reduced through ongoing monitoring of the life cycle of sealed high activity sources, and a harmonised framework to be established at European level.

However, your rapporteur considers it important to stress the need to incorporate the following four points:

- for the sake of clarity, to insert the threshold of 1mSv/h in the articles since it appears in the explanatory memorandum and the annex;
- to highlight the supplier's responsibility, as the technical expert, in the life cycle of the various sources which he makes available;
- to make it compulsory to monitor potential cross-border movements of these sources, both within the European Union and to third countries;
- as far as possible, to set up a system of harmonised penalties for infringements.