

7926/96

LIMITE

PUBLIC 7

---

**LEGISLATIVE TRANSPARENCY**

**STATEMENTS WHICH MAY BE RELEASED TO THE PUBLIC  
MAY 1996**

---

The Annex to this document lists the definitive legislative acts adopted by the Council in May 1996 together with the statements for the minutes which the Council has decided may be released to the public.

| STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC<br>– MAY 1996 –                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                     |                                                                                                                         |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------|
| DEFINITIVE LEGISLATIVE ACTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | TEXTS ADOPTED                                                                                                                                                                                       | STATEMENTS                                                                                                              | VOTES |
| <b>1920th Council (Education) on 6 May 1996</b><br><br>Directive of the European Parliament and of the Council on the protection of occupants of motor vehicles in the event of a side impact and amending Directive 70/156/EEC<br><br>Council Regulation introducing additional conditions for year-to-year management of TACs and quotas<br><br>Council Regulation amending Regulation (EC) No 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished | PE-CONS 3606/96<br>+ COR 1 (nl)<br><br>6650/96 + COR 1<br><br>6286/96 + COR 1 (d)                                                                                                                   | 31/96<br><br>32/96                                                                                                      |       |
| <b>1921st Council (Energy) on 7 May 1996</b><br><br>Decision of the European Parliament and of the Council laying down a series of guidelines on trans-European energy networks<br><br>Council Decision approving amendments to the Statutes of the Joint European Torus (JET) Joint Undertaking                                                                                                                                                                                                                                                               | PE-CONS 3608/96<br>+ COR 1 (fin)<br><br>6356/96                                                                                                                                                     | 33/96, 34/96<br><br>35/96                                                                                               |       |
| <b>1922nd Council (General Affairs) on 13 May 1996</b><br><br>Council Directive laying down the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation                                                                                                                                                                                                                                                                                                                  | 12733/95 + COR 1 (f,d,en,gr)<br>+ COR 2 (gr) + COR 3 (f,d,gr)<br>+ COR 3 REV 2 (en)<br>+ REV 1 (dk,p)<br>+ REV 1 COR 1 (dk,p)<br>+ REV 2 (i,nl,es,fin,s)<br>+ REV 2 COR 1 (s)<br>+ REV 2 COR 2 (nl) | 36/96, 37/96, 38/96, 39/96,<br>40/96, 41/96, 42/96, 43/96,<br>44/96, 45/96, 46/96, 47/96,<br>48/96, 49/96, 50/96, 51/96 |       |

| STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC<br>– MAY 1996 –                                                                                                                                                                                                                                                                                                                              |                 |              |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|-------|
| DEFINITIVE LEGISLATIVE ACTS                                                                                                                                                                                                                                                                                                                                                                                 | TEXTS ADOPTED   | STATEMENTS   | VOTES |
| Council Directive amending Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals                                                                                                                                                | 5720/96         |              |       |
| <b>1925th Council (Agriculture) on 20 and 21 May 1996</b>                                                                                                                                                                                                                                                                                                                                                   |                 |              |       |
| Council Directives                                                                                                                                                                                                                                                                                                                                                                                          |                 | 52/96, 53/96 |       |
| – amending Annex II to Council Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables and Annex II to Council Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels | 5032/3/96 REV 3 |              |       |
| – amending the Annexes to Council Directives 86/362/EEC and 86/363/EEC on the fixing of maximum levels for pesticide residues in and on cereals and foodstuffs of animal origin respectively                                                                                                                                                                                                                | 5033/3/96 REV 3 |              |       |
| <b>1926th Council (Industry) on 20 May 1996</b>                                                                                                                                                                                                                                                                                                                                                             |                 |              |       |
| Council Decision adopting a multiannual Community programme to stimulate the development of a European multimedia content industry and to encourage the use of multimedia content in the emerging information society (INFO 2000)                                                                                                                                                                           | 4245/1/96 REV 1 |              |       |

| STATEMENTS FOR THE MINUTES WHICH MAY BE RELEASED TO THE PUBLIC<br>– MAY 1996 –                                                                                                                                                                                                                |                     |            |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------|-------|
| DEFINITIVE LEGISLATIVE ACTS                                                                                                                                                                                                                                                                   | TEXTS ADOPTED       | STATEMENTS | VOTES |
| <b>1928th Council (Development) on 28 May 1996</b><br><br>Council Regulation amending Regulation (EC) No 3699/93 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products | 4730/96 + REV 1 (s) |            |       |
| <b>1929th Council (Internal Market) on 28 May 1996</b><br><br>Council Regulation (EC) fixing the basic and buying-in prices for cauliflowers, peaches, nectarines, lemons, apricots and tomatoes for June 1996                                                                                | 7189/96             |            |       |

**STATEMENT 31/96**

"The Council and the Commission recognize that data on the landings of species subject to TACs and quotas must be collected and presented on a consistent basis throughout the Community if deductions for overfishing are to be applied to individual Member States from 1 January 1998. The Commission will therefore ensure, with the cooperation of Member States, that all Member States have appropriate data-collection systems in place by 31 December 1996."

## **STATEMENT 32/96**

"With regard to the mesh size applicable to sprat fishery in the Skagerrak and the Kattegat, the Council and the Commission recognize that changes in mesh size should be avoided before definitive fishing arrangements are introduced in the new Regulation on technical conservation measures which is to be presented by the Commission in the first half of 1996 and on which the Council undertakes to act in the second half of 1996. In that connection, the Commission and the Council undertake to give high priority to the analysis of the dossier on the use of 16 mm mesh for sprat fishery in the Skagerrak and the Kattegat so that a decision can be taken as soon as possible and no later than the Council meeting on 10 June 1996."

### **STATEMENT 33/96**

#### **Joint statement by the European Parliament and the Council on the development of natural gas networks in Europe**

"The European Parliament and the Council acknowledge that the development and integration of natural gas networks in all Member States is in the interest of the Union. Within the TEN Programme special attention is to be given to all areas in the Community where this infrastructure is less developed. One such area is northern Europe, where further development of the gas networks would create possibilities for substantial growth of gas markets and enhanced energy security and environmental quality in the Union as a whole.

The European Parliament and the Council therefore take note with satisfaction of the intention of the Member States concerned to submit project proposals as soon as those have reached maturity, in order to identify projects of common interest."

### **STATEMENT 34/96**

#### **Statement by the Commission**

"The Commission states that, pursuant to Article 6, it will submit a draft decision to the Committee defining the project specifications on the basis of the Annex to the common position."

**STATEMENT 35/96**

"The Council and the Commission state that Community financing of the Joint European Torus (JET) Joint Undertaking after 1998 will depend on the existence and content of a Euratom framework programme covering that period."

## **STATEMENT 36/96**

### **Statement by the Commission**

#### **Re Article 2(2): Significant increase in the exposure of workers or members of the public that cannot be disregarded from the radiation protection point of view, in relation to natural radiation sources**

"The Commission, with the support of the group of experts referred to in Article 31 of the Euratom Treaty, is working on the preparation of a technical guide on the identification of the work activities and related workplaces potentially concerned and on possible protection measures. The technical guide will be issued as a document of the group of experts referred to in Article 31 of the Euratom Treaty."

## **STATEMENT 37/96**

### **Statement by the Commission**

#### **Re Article 2(4): Meaning of the term "undisturbed earth's crust" and the application of the Directive to areas of high natural activity, such as unexploited uranium fields**

"The term "undisturbed earth's crust" means the earth's crust where no quarrying, underground or open-cast mining is carried out. Ploughing, excavation or refill as part of farm or construction work is not considered to "disturb" the earth's crust, except where such works are carried out as part of interventions for restoration of contaminated earth.

The surface of a uranium field which was never exploited is undisturbed earth's crust; if the uranium field was, but is no longer exploited, then Section 2 of Title IX, intervention in cases of lasting exposures, may apply."

## **STATEMENT 38/96**

### **Statement by the Commission**

#### **Re Article 5: Authorization and clearance for disposal, recycling or re-use**

"The term "disposal" is defined as: "The emplacement of waste in a repository, or at a given location, without the intention of retrieval. Disposal also covers the approved direct discharge of wastes into the environment, with subsequent dispersion".

The first paragraph of Article 5 applies to the disposal and to the release of materials suitable for recycling or re-use which are contaminated with radioactive substances arising from a practice subject to the requirement of reporting or authorization. It also applies to the disposal of any solid waste contaminated with radioactive substances arising from such practices in a repository for waste not considered as radioactive. In this context, the release into the environment of radioactive effluent is always subject to prior authorization by the competent authorities which may decide on a case-by-case basis.

In the same way as for the release of radioactive effluents to the environment, the release of solid materials from regulatory control is subject to authorization by the competent national authorities. Within this framework, the release can be authorized subject to complying with clearance levels laid down in national legislation or established by competent authorities on a case-by-case basis. Such levels will result from a generic assessment of individual and collective doses for different categories of practices and categories of materials.

The Commission will pursue the elaboration of technical guidance for the establishment of clearance levels, seeking advice from the Article 31 group of experts, which may lead to a harmonized development of this concept within the Community. In the same way as for actual authorization procedures, the responsibility for the application of the clearance concept rests entirely with the competent authorities of Member States.

The Commission issued in 1988 a technical guide on clearance levels for the recycling of steel coming from the dismantling of decommissioned nuclear installations (Radiation Protection Publication No 43). The Commission, with the support of the group of experts is working on a revised version of the technical guide, which will be issued as a document of the group of experts referred to in Article 31 of the Euratom Treaty."

## **STATEMENT 39/96**

### **Statement by the Commission**

#### **Re Article 9: Dose limits for exposed workers**

"The Commission interprets Article 9 as a regulatory text consistent with the relevant recommendations of the International Commission on Radiological Protection (ICRP) which are as follows (ICRP Recommendation No 60, paragraph 166):

"The [ICRP] recommends a limit on effective dose of 20 mSv per year, averaged over five years (100 mSv in 5 years), with the further provision that the effective dose should not exceed 50 mSv in any single year. The 5-year period would have to be defined by the regulatory agency, e.g. as discrete 5-year calendar periods. The [ICRP] would not expect the period to be introduced and then applied retrospectively".

## **STATEMENT 40/96**

### **Statement by the Commission**

#### **Re Article 42: Protection of air crew**

"The issue of protection of air crew will be addressed in the technical guide mentioned with reference to Article 2(2).

The guide will in particular address the establishment of possible criteria for the control of exposure based on altitude, time of flight and routes, as well as the identification of specific dose values above which protection measures should be taken."

## **STATEMENT 41/96**

### **Statement by the Commission**

#### **Re Article 45: Estimation of population doses**

"The definition of the Reference Group of the Population according to the Directive is as follows:

"Reference Group of the Population: a group comprising individuals whose exposure to a source is reasonably uniform and representative of that of the individuals in the population who are the more highly exposed to that source."

The definition modifies the corresponding definition of the 1980 Directive by relating the Reference Group to an identified source, in accordance with the 1990 ICRP recommendations (paragraph 186).

Basically the proposed definition is consistent with the definition of "Critical Group" given by the IAEA International Basic Safety Standards which is as follows:

"Critical Group: A group of members of the public which is reasonably homogeneous with respect to its exposure for a given radiation source and given exposure pathway and is typical of individuals receiving the highest effective dose or equivalent dose (as applicable) by the given exposure pathway from the given source."

The concept of reference group of the population was introduced in the radiation protection practice to select in the wide range of behaviour of the members of the public a set of conditions such as a period of staying in a given place, a rate of ingestion of a given foodstuff, etc., against which an estimation of the exposure resulting from a specific source can be made.

The abovementioned definitions of "reference group" and "critical group" imply that doses to members of the public resulting from the source in question will, apart from in exceptional cases, be lower than the doses to individuals in the reference group.

In this respect it is important to address the methodology and the assumptions used for assessing the doses likely to be received by individuals in the reference group both in normal circumstances and in the event of an accident. The Commission is studying the issue with the support of the Group of Experts referred to in Article 31 of the Euratom Treaty, with the objective of setting out a reference method for arriving at:

- prior evaluation of compliance with established levels of dose;
- prior estimation of doses;
- post factum verification of the doses received."

## **STATEMENT 42/96**

### **Statement by the Commission**

#### **Re Article 50: Intervention preparation**

"The ICRP Recommendations (ICRP Publication 60, paragraph 113) state that:

"There will be some level of projected dose above which, because of serious deterministic effects, intervention will almost always be justified."

The objective of this Recommendation should be taken into account when establishing intervention levels and emergency plans for situations in which individuals might be exposed to levels of dose resulting in serious deterministic effects. The Commission issued a technical guide in 1982 on criteria for the limitation of the exposure of members of the public in the event of accidental releases of radioactive substances, prepared with the support of the group of experts referred to in Article 31 of the Euratom Treaty. An updated version of the technical guide is presently in preparation."

## **STATEMENT 43/96**

### **Statement by the Commission**

#### **Re Annexes II and III**

"The values and relationships laid down in Annexes II and III, and related technical definitions, try to reflect the most recent international scientific guidance on this matter and will be confirmed by the Commission not later than June 1996, with the support of the group of experts referred to in Article 31 of the Euratom Treaty.

In case they need to be corrected the Commission will present the appropriate proposal to the Council in conformity with the procedures laid down in the Euratom Treaty.

Furthermore, the Commission will take into account any scientific development which may affect this guidance, and if necessary, in conformity with the procedures foreseen in Articles 31 and 32 of the Euratom Treaty, will make proposals to the Council for amendment of the whole or part of the Annexes II and III.

## **STATEMENT 44/96**

### **Statement by the Commission**

#### **General:**

"The Commission undertakes to prepare a communication concerning the implementation of the Directive updating and replacing communication 85/C 347/03 (OJ No C 347 of 31 December 1985).

The communication will be prepared with the close involvement of the group of scientific experts referred to in Article 31 of the Euratom Treaty.

The communication will notably address the following subjects:

1. The increase in exposure which cannot be disregarded from the radiation protection point of view (Article 2(4));
2. The establishment of dose constraints (Article 7);
3. Criteria for training and approval of qualified experts (Articles 19, 20, 23, 38, ...);
4. Criteria for the identification of work activities requiring attention as regards exposure to natural radiation sources (Article 40)."

## **STATEMENT 45/96**

### **Statement by the Austrian delegation**

"It is to be inferred from the Commission's statements on individual provisions of the Directive that it is working on a series of technical instructions (technical guide, technical guidance). The content of these instructions could be of considerable importance for the transposition into national legislation of the present Directive. If time is not to be lost in transposing the Directive the Commission must submit these technical instructions at the earliest possible date; a further reason is that, in Austria's Accession Treaty, it was granted a transitional period until the end of 1996 to adjust Austrian radiation protection standards. The reason for the transitional period was that Austria intended, and still intends, not to align its standards on Directive 80/836/Euratom but rather directly on the present Directive. That, however, presupposes early entry into force of the new radiation protection standards and the submission of the relevant explanatory documents (technical instructions)."

## **STATEMENT 46/96**

### **Statement by the French delegation**

"France wishes to draw the attention of the Commission and the Member States to the conclusions of the recently-published report by the Académie des Sciences française which, in keeping with a number of other recent scientific contributions, questions the scientific basis for lowering the dose limits laid down in the 1980 Directive. Findings in the field of cellular and molecular biology, and particularly advances in understanding DNA repair mechanisms and their control and the conditions for tissue cancerization, could in the next few years provide information that will cast doubt on the risk analysis of low doses of radiation and thus the present changes to dose limits.

In order to enable the new Directive on basic standards to be adopted quickly, France went along with the general consensus, consisting in particular of lowering the dose limits for workers and the general public to align them on those recommended by the ICRP in 1990.

However, in the spirit of the Commission's statement on Annexes II and III, France requests the Commission to follow closely future scientific developments concerning the effects of low doses, in order to take account of them in the Directive as it evolves.

Moreover, given the divergences among scientists in assessing information on the effects on health of exposure to radiation, and the not inconsiderable impact of lowering the dose limits on the Member States' protection policies, France suggests that the Commission take the initiative of introducing a proposal on the scientific evaluation of the ICRP's work."

## **STATEMENT 47/96**

### **Statement by the Irish delegation**

#### **Re Article 4**

"Ireland considers that the examination of plans prior to construction is necessary for the purpose of safeguarding the public from any potential risks arising from ionizing radiation."

## **STATEMENT 48/96**

### **Statement by the Irish delegation**

#### **Re Article 5(2)**

"Ireland objects to the proposals which are encompassed in Article 5(2) under which it is proposed that Member States will be given discretion to release the disposal of radioactive substances from authorization under the requirements of the Directive provided that they comply with clearance levels established by national competent authorities. Ireland favours a position whereby all disposal of radioactive substances should be subject to authorization unless such clearance levels are agreed by the European Union."

## **STATEMENT 49/96**

### **Statement by the Irish delegation**

#### **Re Article 44**

"Ireland considers that as it is currently worded the application of this Article is limited to those practices listed under Article 4 as requiring prior authorization. Ireland is of the view that the Directive should also cover activities which are subject to reporting."

## **STATEMENT 50/96**

### **Statement by the Netherlands delegation**

#### **Re Articles 1 and 5(2)**

"With reference to Articles 1 (definitions of clearance level and radioactive substance) and 5(2), the Netherlands remains of the opinion that the term clearance level is used inconsistently in the proposed Basic Safety Standards, and that when it refers to what should have been called an exclusion level, 10 microsievert per year per substance or practice is much too high for what is really a de minimis level."

## **STATEMENT 51/96**

### **Statement by the Irish and Netherlands delegations**

#### **Re Articles 9 and 13:**

"In implementing the Euratom Directive on Basic Safety Standards in their national legislation, Ireland and the Netherlands will, in respect of Article 9(1), explicitly prescribe a maximum effective dose limit for exposed workers of 20 mSv per year and not allow averaging over a five-year period; in respect of Article 13(2) Ireland and the Netherlands will not allow an effective dose limit for members of the public higher than 1 mSv per year, not even in special circumstances."

## **STATEMENT 52/96**

### **Statement by the Commission**

"The Commission confirms that its intention is to include mecarbam on the second list of active substances for reevaluation pursuant to Article 8(2) of Council Directive 91/414/EEC."

## **STATEMENT 53/96**

"The Council and the Commission note that the analysis and reporting of the trials for phorate and disulfoton did not allow a residue definition to be established other than for the total of six components of the residue (e.g. sum of phorate/disulfoton, its oxygen analogue and their respective sulphoxides and sulphones expressed as phorate/disulfoton). The Council and the Commission agree that future residue-trial data generated in support of open positions in this Directive must analyse and report the parent compound and its respective sulphoxides and sulphones, separately from the oxygen analogue and its sulphoxides and sulphones, in order to allow more flexibility in future evaluations of these data."