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European cooperation in the field of nuclear energy

Report¹

Committee on Political Affairs and Democracy

Rapporteur: Mr Natale SANTERO, Italy

1. 1958 - 10th Session - Second part



A. Draft Resolution

1. The Assembly,
2. Congratulates the Governments of the Six on setting up in good time the institutions of the European Atomic Energy Community and the Council of O.E.E.C. on creating t h e European Nuclear Energy Agency;
3. Notes with satisfaction that the Euratom Commission and the OEEC Council have considered and partially accepted the suggestions put forward in Resolution 139 (1957) with regard to security control and a control service for the protection of the health of workers in the nuclear sector and the population generally;
4. Urges:
 - a. the European Commission of Euratom and the Steering Committee of the European Nuclear Energy Agency to speed up the conclusion of the agreement mentioned in Article 16 of the Convention on the Establishment of a Security Control in the field of Nuclear Energy and to consider the possibility of putting into effect the proposals made in Resolution 139;
 - b. the Member Governments of O.E.E.C. to speed up their ratification of the Convention on the Establishment of a Security Control;
 - c. the Committe of Ministers of the Council of Europe and the European Commission of Euratom to establish the desired relations between the Council of Europe and Euratom;
 - d. the Council of O.E.E.C. to establish European parliamentary control, in the sense indicated in paragraph 27 of the Explanatory Memorandum contained in [Document 873](#), over the work of the European Nuclear Energy Agency— this control to be entrusted to the Consultative Assembly.

B. Explanatory Memorandum (Rapporteur: M. SANTERO)

1.

1. We have always stressed the need to set up as quickly as possible a European Atomic Energy Organisation which will enable Western Europe to develop its atomic industries rapidly and efficiently and so achieve independence in energy supplies.

2. We have also expressed our conviction that a European atomic energy organisation should make a contribution towards the progress of European unification. We therefore welcome the speedy establishment of the European Atomic Energy Community (E.A.E.C.) and the European Nuclear Energy Agency (E.N.E.A.).

3. The European Atomic Energy Community, set up by an international treaty ratified by Parliaments, binds together the six member countries for an indefinite period (Article 208). The European Nuclear Energy Agency set up by a Decision of the Council of O.E.E.C. does not need to be ratified by national Parliaments and has no legal personality. Being under the authority of the OEEC Council it is not an independent body but a flexible instrument in intergovernmental collaboration. Any of the seventeen countries which are members of the Agency can invalidate the Decision as far as its own membership is concerned by giving a year's notice to the Secretary-General of O.E.E.C.

4. In the Secretariat document SG/A (58) 2, pp. 3-13 will be found a comparative analysis of the powers of the two organisations.

5. From this comparative analysis emerges, in particular, that the Steering Committee of the E.N.E.A., may setup such commissions or Working Parties as it thinks necessary and will be guided by the forecasts of energy requirements and supplies drawn up by the Energy Advisory Commission. It will report annually to the Council. The Agency may initiate or assist in setting up joint undertakings, which may take the form of restricted bodies established by the Governments interested. The Steering Committee also has important duties in the exercise of security control where it will operate together with the Control Bureau, within the Agency. It is the Steering Committee which is competent to take decisions necessary for the application of the Convention on Security Control and on any matters relating to the application of sanctions in cases of infringement of the Convention obligations. The Steering Committee itself will adopt its decisions by a two-thirds majority not including the representative of the Government concerned. In addition, there is established a Tribunal, composed of seven independent judges appointed for five years, before which appeals may be brought by Governments and undertakings against decisions of the Agency relating to security control. If the interested parties so agree, the Tribunal is also competent to decide on any other question relating to the joint action of member countries in the field of nuclear energy.

6. As requested by our Assembly, Euratom and the E.N.E.A. have endeavoured and are still endeavouring to avoid duplication and overlapping between themselves and with the International Atomic Energy Agency.

7. One problem which is of great interest to the Assembly is that of security control and the protection of the health of workers in nuclear industries and of the population generally.

8. A Convention on the establishment of a security control in the field of atomic energy was signed in December 1957 by the seventeen Member States of O.E.E.C.

9. A comparison between the Statute of the European Nuclear Energy Agency, the OEEC. Convention on the establishment of a security control in the field of atomic energy, the Treaty setting up Euratom and the Statute of the International Atomic Energy Agency shows that the control systems of the International Agency and of the OEEC Agency are very similar in both their aims and their methods.

10. The aim of both systems is to prevent fissile products being used for military purposes; both provide for inspectors to check the accounting for raw materials and fissionable products, who will have access at all times to plants and persons etc. As between the OEEC and the Euratom systems, on the other hand, similarity is mainly in the means (inspectors, etc.; Article 5 of the OEEC Convention on the establishment of a security control reproduces paragraph A 6 of Article XII of the Statute of the International Atomic Energy Agency and Article 81 of the Euratom Treaty).

11. In the Euratom system the object is to ensure that fissile materials are not diverted from their intended uses as stated by the users (Article 77 of the Treaty). The control will be territorial; it will cease as soon as the materials pass into the processing cycle for specifically military purposes.

12. In order to avoid overlapping, duplication and confusion, we proposed in Resolution 139 that consideration be given to the possibility of entrusting to the organs of Euratom, in the territory of the Six, the security control which would normally be the responsibility of the O.E.E.C., the European Nuclear Energy Agency, the International Atomic Energy Agency and the United States, and of entrusting this security control in the other member countries of the O.E.E.C. to the OEEC European Nuclear Energy Agency. Article 16 of the OEEC Convention on the establishment of a security control meets this request, since this Article stipulates that:

- a. an agreement shall be entered into between the Organisation (O.E.E.C.) and the European Atomic Energy Community (Euratom) defining the arrangements under which the control established by the present Convention shall be carried out within the territory to which the Treaty instituting the European Atomic Energy Community (Euratom), signed at Rome on 25th March 1957, applies, by the competent bodies of Euratom by delegation from the Agency in order to attain the objectives of the present Convention. Proposals to this effect shall be submitted to the European Commission set up by the said Treaty as soon as it is constituted;
- b. an agreement may also be entered into between the Organisation and the International Atomic Energy Agency in order to define the co-operation to be established between the two institutions.

13. The important co-operation agreement between the United States Government and the European Atomic Energy Community concerning peaceful uses of atomic energy, which came into force last August, gives Euratom the responsibility for security control (Article XII of the Agreement and Appendix B); this provision accords with the proposal made in Resolution 139 of 1957.

14. It may be noted that the agreements on security control have been facilitated by the fact that the definition of the terms " special fissionable materials ", " uranium enriched in the isotopes 235 or 233 ", " source material ", is identical in the Euratom Treaty (Article 197), in the OEEC Convention on the establishment of a security control (Article 18) and in the Statute of the International Atomic Energy Agency (Article XX). The sanctions imposed for infringement are also the same in the Euratom Treaty (Article 83), the OEEC Convention (Article 5, b) and the Statute of the International Atomic Energy Agency (Article XII, C.)

15. Since the OEEC Convention on the establishment of a security control will enter into force (Article 21, b) as soon as ten signatories have deposited their instruments of ratification, Member Governments of O.E.E.C. should be urged to accelerate the procedure for ratification.

16. Similarly, since the application of the Convention (Article 21, c) in the territories of Member States of Euratom is conditional upon the conclusion of the Agreement mentioned in Article 16 (a), the European Commission of Euratom and the Steering Committee of the European Nuclear Energy Agency should be asked to hasten the conclusion of this Agreement, taking into consideration Resolution 139 (1957) of the Assembly.

17. As regards health standards, we have also obtained partial satisfaction. In Resolution 139 we suggested that a joint control service be provided as soon as possible to protect the health of workers in nuclear industries and of the population generally, and that the possibility be examined of entrusting the exercise of this control to the organs of Euratom in the six countries and to the E.N.E.A. in the other OEEC countries. Article 11 of the ENEA Statute provides that the Steering" Committee shall:

- 17.1. prepare, as soon as possible, and submit to participating countries with a view to their adoption, common rules to serve as a basis for national laws and regulations;
- 17.2. encourage the setting up between participating countries of joint services as may be necessary, in particular, for the protection of public health and the prevention of accidents in the nuclear industry.

18. The First Report, of the E.N.E.A. to the Consultative Assembly gives details ² of what has been done so far in this field. As early as 1957, a Working Party had prepared proposals for the work to be done by E.N.E.A. in this field including the adoption of common health standards dealing with permissible exposure to radiation, the communication and discussions of legislative provisions in this field planned or adopted in OEEC countries, the examination of plans for discharge of radio-active waste, the study of the transport of irradiated fuels in Europe and the training of public' health experts in particular connection with protection against radiation. In fulfilment of this programme, a Group of Experts is preparing an agreement on basic health

2. See paragraph 28, page 14.

standards, and procedure has been introduced for communicating action taken at national level to apply health provisions, while studies are also being made to permit regular exchange of information concerning the measurement of radio activity in air, water and soil.

19. The Euratom Treaty provides for the setting up in 1958 of a complete organisation for health protection against ionising radiation (Chapter III).

20. The European Commission of Euratom has stated that the necessary measures will be taken to enable the Council of Ministers to approve all the basic standards before the end of the year.

21. The basic standards will thus be identical for all countries in the Community, but Member States remain completely free to apply the standards in accordance with their particular position and to take all the requisite legislative, procedural and administrative steps to this end.

22. The Euratom Commission is empowered to facilitate the co-ordination of national arrangements and to verify the working and efficiency of the installations which Member States establish on their territories for continuous control of the level of radio activity in the atmosphere, water and soil. The Commission has, moreover, given the assurance that it is on the way to reaching an agreement with the E.C.E.A. for the adoption of basic standards of health protection for all Western Europe (Report of the European Commission of Euratom to the European Parliamentary Assembly, August 1958).

23. A word should be said here on the subject of relations between Euratom and the European Nuclear Energy Agency. Their objectives, as stated ³ in the First Report of E.N.E.A. are "distinct and complementary", since E.N.E.A. provides the machinery for ensuring co-operation in atomic energy matters for all seventeen countries which Euratom provides on a more closely integrated basis for the Six.

24. Liaison has already been established between E.N.E.A. and the Euratom Commission, which is represented on the Steering Committee. The report states that it is already clear that Euratom, or its members, will take part in the undertakings planned by E.N.E.A.—for example Euratom itself participates in the Halden Project. Moreover certain tasks will be undertaken jointly by the two organisations.

25. On April 28th last the Committee of Ministers, in the terms of its Resolution (58) 11, instructed the Secretary-General to make contact with the Euratom Commission in order to establish between the Council of Europe and Euratom the links referred to in Article 200 of the Treaty.

26. The Assembly has always laid stress on the great importance of European parliamentary influence in the vital field of atomic energy. While the Euratom Treaty has given the European Parliamentary Assembly control over the activities of the Community, no system of parliamentary control has yet been provided in the E.N.E.A. In the opinion of your Committee, the Council of O.E.E.C. should once more be requested to establish European parliamentary control over the activities of the Agency—to be exercised, of course, by the Consultative Assembly.

27. In calling again for European parliamentary control over atomic energy work carried out by O.E.E.C, we are, of course, aware of the important steps which have been taken so far to give members of Parliament—i.e., members of the Consultative Assembly—information on current developments. In the last year or so there have been frequent meetings between the Assembly committees concerned and representatives of O.E.E.C, and advantage has been taken of the opportunity provided to put written as well as oral questions to O.E.E.C. on atomic energy. Most recently of all we have had the pleasure of seeing the first Annual Report of the European Nuclear Energy Agency to the Consultative Assembly and the information provided there is certainly very valuable. Your Rapporteur, however, feels that these unofficial arrangements are not completely satisfactory.

28. But what more, it might be asked, could our parliamentarians want than the ability to obtain information at all times, to hold regular meetings with representatives of the Agency, and to receive an Annual Report? The European Parliamentary Assembly has the power of a vote of censure on the work of the European Commission of Euratom and this, for obvious reasons, we cannot request for ourselves in relation to OEEC. But we could and should ask that the arrangements which have been made so far to enable parliamentarians to keep abreast of this work, to ask questions, to make suggestions and, where necessary, even criticise, should be put on an official footing by establishing compulsory links between the Consultative Assembly, on the one hand, and the body of the OEEC concerned on the other i.e., the European Nuclear Energy Agency. What is needed is a formal decision of the Council of Ministers of O.E.E.C. by which the European Nuclear Energy Agency is required to submit an annual report to the Consultative Assembly and must meet any

3. See paragraph 12, page 6.

request of the competent committees of the Assembly for representatives of the Agency to appear before them to give such information as may be required at any time. It is in this sense, therefore, that paragraph 4 (d) of the draft Resolution has been conceived. Moreover, this legal recognition of parliamentary control by the Consultative Assembly would be an important step in the direction of closer collaboration between the Council of Europe and O.E.E.C.