

Environmental protection from radiation following the crash of a military aircraft in Greenland (Petition No 720/2002)

2006/2012(INI) - 10/05/2007 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Diana **WALLIS** (ADLE, UK) on the public health consequences of the 1968 Thule crash (Petition 720/2002). The report was adopted by 544 votes to 29, with 40 abstentions. The petitioner complained that the Danish authorities failed to evacuate the workers from the site at the time, to warn them or to inform them about the extensive radiation, or to make the necessary follow-up medical tests and examinations, as required by Council Directive 96/29/Euratom on safety standards relating to ionising radiation. It also states that Denmark has refused to allow public access to the 1968 scientific records of the case. The petition had disclosed that workers and members of the public were irradiated by extremely hazardous weapons grade plutonium following the crash of a US B-52 carrying nuclear weapons at Thule in Greenland in 1968. Many Thule survivors have died of radiation-related illnesses due to the lack of medical monitoring and current survivors risk contracting such fatal illnesses. The European Court of Justice has held that the Euratom Treaty Chapter on Health and Safety forms a "coherent whole conferring upon the Commission powers of some considerable scope in order to protect the population and the environment against the risks of nuclear contamination". However, both the Commission and Denmark have consistently refused to recognise the applicability of the Euratom Treaty to the after-effects of the Thule crash.

The European Parliament noted that, according to the settled case-law of the Court of Justice, new rules of Community law apply, as a matter of principle, to the future effects of situations which arose before the new rule entered into force. It concluded that the Euratom Treaty was immediately applicable and binding on Denmark from the date of its accession, with the result that it applied to the future effects of situations arising prior to Denmark's accession to the Communities. The Euratom Treaty applied to Greenland for twelve years from Denmark's accession in 1973 to the entry into force on 1 January 1985 of the Treaty amending, with regard to Greenland, the Treaties establishing the European Communities. However, this latter Treaty has no retroactive effect. Accordingly, Denmark remains bound by any existing legal obligations relating to events having occurred on the territory of Greenland before 1 January 1985 and, furthermore, the after-effects on human health of the 1968 crash are not confined to Greenland, as it is apparent that many of the workers, including European citizens, have since moved to mainland Denmark.

Parliament doubted that Denmark had fully complied with its obligations under Directive 96/29/Euratom in relation to the Thule crash and its after-effects. It called on Denmark to initiate surveillance and intervention measures in relation to the continuing after-effects of the Thule crash, and to make arrangements for the monitoring of exposure and implement any appropriate intervention taking account of the real characteristics of the situation.

It also expressed great concern at the current existence of a gap in the protection of the health of the general public with regard to the use of nuclear energy for military purposes, and called on the Commission to come forward with a proposal addressing the vital public health and environmental implications of the use of nuclear energy for military purposes, in order to fill this lacuna.

Lastly, Parliament considered that the core provisions of the Euratom Treaty had not been substantially amended since its entry into force and needed to be brought up to date.