

COUNCIL RESOLUTION

on the establishment of national systems for surveillance and control of the presence of radioactive materials in the recycling of metallic materials in the Member States

(2002/C 119/05)

THE COUNCIL OF THE EUROPEAN UNION,

Considering that:

- (1) The use of radiation technologies in the Member States is subject to a specific regulatory system that includes strict control measures contemplating the control of cross-border movements, and that despite these controls the presence of uncontrolled radiation sources or materials contaminated with radionuclides of natural or artificial origin has been detected among metallic materials destined for recycling.
- (2) The presence of radioactive materials among metals may have serious consequences for the economy of companies, the safety of the environment and, in certain cases, the health of people as happened in the case of several accidents.
- (3) As a complementary measure to the provisions already in place, and in order to reduce the probability of such accidents being repeated, it is appropriate to adopt additional, specific and adequate prevention measures, since there are radiation sources that were used prior to the current control systems or because there is always the possibility of a source escaping from the control systems established or even because such systems are not necessarily applicable.
- (4) The prevention of radiological risk in the recycling of metallic materials cannot lose sight of the great economic and social importance of the metallurgical industry in most countries, and especially in the Member States.
- (5) The presence of radioactive materials in metals originates outside of the metallurgical industry.
- (6) In minimising radiological risk in the metallurgical industry consideration should be given to the safety standards applied in this field, which in general are not subject to any system regulating radiological aspects. The measures to be adopted should therefore include, among their basic requirements, the self-protection of the metallurgical industry against this type of risk, preventing, to the extent possible, the entry into the metallurgical field of quantities of radioactive material that might damage its products and its market. Therefore, they should be implemented as soon as possible within the whole commercial system in that industry with respect to raw materials needed in metal processing plants. This could be supplemented by adequate controls and surveillance of final products.
- (7) The prevention of radiological risk in the recycling of metals is an activity located at the interface between two industrial fields that are traditionally weakly linked, and that it would, therefore, appear to be appropriate that implementation be accomplished taking into account the capacities, needs and interests of both fields, and considering in this respect that the design of the prevention measures should be the result of collaboration between the different agents involved in the two industrial sectors, including the authorities responsible for decision-making, the regulators and the metallurgical, recovery and radioactive waste management sectors.
- (8) The market for metallic products intended for recycling is strongly international in nature, and that any action taken should take this circumstance into account, and in particular that the minimisation of radiological risk should be undertaken homogeneously in the different countries, especially in the case of the Member States, between which there are no frontier restrictions, and in which the radiological protection standards share a common basis.
- (9) These measures may contribute very positively to responding to the public concerns that have arisen as a result of the accidents that have occurred in steelyards and scrap-processing centres in recent years.
- (10) There is growing concern at international level regarding the illicit trafficking of radioactive material and that, although the prevention of radiological risk in the recycling of metals is not directly related to such activities, the implementation of systems of this type might make an additional contribution towards alleviating the consequences of such illegal activities.
- (11) In recent years, and as a result of the radiological accidents that have occurred in the metallic materials recycling sector, various international organisations, among them the International Atomic Energy Agency (IAEA), the World Customs Organisation (WCO), the International Criminal Police Organisation (ICPO-Interpol) and the Economic Commission of the United Nations for Europe (ECE), in collaboration with the Bureau of International Recycling (BIR), have adopted initiatives aimed at minimising radiological risk in this industrial sector.
- (12) The existing Community legislation includes basic standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation and that the basic standards include provisions on clearance levels to be established by national competent authorities.

- (13) The Commission has also taken several initiatives to minimise the risks deriving from the presence of radioactive materials among metallic materials intended for recycling, among which are the commitment to propose a Council Directive aimed at improving the control over high activity sealed radioactive sources in the Member States, the publication of guidance on the practical use of the concepts of clearance and exemption and the establishment of a group of experts from the Member States on radioactive contamination of scrap metals.
- (14) The conclusions of the Council of June 1999 in relation to the monitoring of metal recycling, and the conclusions of the Meeting on Preventing Radiological Risk in Metal Recycling, held in Seville in January 2002, attended by representatives from radiological protection and metallurgical sectors.
- (15) Various Member States, echoing the concerns expressed by the business associations and trade unions in the metallurgical sector, have manifested to the Commission their concern regarding this issue, with the objective of the latter's undertaking some type of measures at Community level.
- (16) In certain countries additional steps have been taken, with the installation of radiation monitoring systems at steelyards and scrap storage facilities, and that other complementary measures have been adopted to prevent the occurrence of this type of incident and to manage the radioactive materials detected among the metallic products destined for recycling.
- (17) In certain cases, these national actions have led to a specific integrated plan contemplating legal, administrative, financial, operational, materials management, training and information measures, the implementation of such integrated systems having proved to be efficient for the detection and control of uncontrolled radiation sources.
- (18) Some of these national systems are based on various measures including voluntary action by the industrial sector and that such actions, based in turn on the responsibility of an industrial sector that has well-established practices, have proved to be simple to apply and to provide efficient results.
- (19) The two fields involved, the metallurgical field and the nuclear or radiation protection regulated field, have repeatedly manifested their desire that national systems be implemented.
- (20) The trans-national nature of the market for metallic materials makes it advisable to develop such national initiatives within a more global context, in order for the measures and decisions adopted by the different countries to be coherent, this being especially relevant in the case of the European Community, where there are no internal frontiers and where merchandise may freely circulate without border controls,
1. INVITES Member States to examine the measures required to minimise the radiological risks deriving from the presence of radioactive materials among metallic materials destined for recycling with a view to supplementing, if appropriate, their regulations implementing Euratom legislation, notably the basic safety standards directive (1).
 2. To that effect, INVITES the Commission, in collaboration with Member States, to compile the existing measures in this field.
 3. UNDERSTANDS that the operability and efficiency of these radiological risk prevention measures are based on a series of elements, among which are the adoption of voluntary measures, such as voluntary agreements, the implementation of technical or legal measures or a combination of both, the assignment of resources, the training of the agents involved, the development of appropriate procedures and information paths, including public information, preparedness for action against situations of imminent risk and the analysis of the experience acquired in order to improve the measures adopted.
 4. ENCOURAGES Member States to adopt the measures required to establish systems minimising radiological risk in the recycling of metal at national level and preventing, to the extent possible, the presence of radioactive materials.
 5. INVITES the Commission to promote and facilitate homogeneity between the different national systems, to facilitate the exchange of information between the agents of the national systems, systematically to compile, in collaboration with Member States, the information submitted by the different national plans such that it may be used as a reference for updating and improvement, and to identify possible improvements in order to bring cross-border control aspects into harmony.
-
- (1) 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 danger arising from ionising radiation (OJ L 159, 29.6.1996, p. 1).

6. ENCOURAGES each Member State to adopt measures to reduce to a minimum and to the extent possible the existence of radioactive materials significant from a radiation protection point of view in imports of metallic materials, to place whatever radioactive materials might be detected in imported shipments under proper control and to facilitate the safe return of whatever radioactive materials might be detected in another country in shipments originating in their territories, especially in the case of intra-Community movements of merchandise.
 7. INVITES the Commission to continue its studies on how to reduce the presence of radioactive materials in imports of metallic materials and to facilitate their safe return after the appropriate detection.
 8. NOTES that the technical, legal and administrative resources of the country of origin to manage the radioactive materials safely should be evaluated before returning radioactive materials to the country of origin.
 9. ENCOURAGES Member States to ensure the establishment and the implementation of arrangements to facilitate the management of contaminated materials constituting radioactive sources, discovered in the recycling loop, with clear assignment of responsibilities, in order to encourage the detection and the proper treatment of such radioactive materials.
 10. STRESSES the importance of taking the appropriate steps to ensure that orphan radiation sources are placed under proper supervision.
 11. ENCOURAGES Member States to collaborate, with the assistance of the Commission, in the exchange of experiences, information and technology for the development of the national systems for the prevention of radiological risk in the recycling of metallic products, in particular the risk of having radioactive materials being mixed with scrap metals intended for recycling and SUGGESTS in this respect that each Member State and the Commission appoint an organisation for each party that will be responsible for coordinating the prevention system.
 12. ADVISES Member States and the Commission to use the information arising from the implementation of these prevention systems to collaborate with the systems established internationally to prevent the illicit trafficking of radioactive materials.
-