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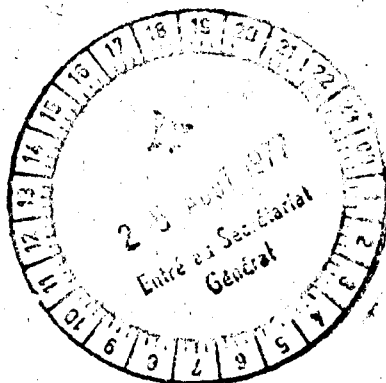
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COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 397 final

Brussels, 24 August 1977

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL
ON A COMMUNITY PLAN OF ACTION IN THE FIELD OF RADIOACTIVE WASTES



COM(77) 397 final

Introductory comment

In its memorandum to the Council of 13 May 1977 entitled "The Community and the international nuclear environment"* the Commission announced its intention to address to the Council at a later date some additional memoranda concerning, in particular, lines to be followed by the Community with regard to the reprocessing, the storage of radioactive waste, and the introduction of fast reactors in the Community.

This memorandum puts forward some possible lines to be pursued by the Community with regard to radioactive waste.

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* COM(77) 163 final

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL
ON A COMMUNITY PLAN OF ACTION IN THE FIELD OF
RADIOACTIVE WASTES

I. Introduction

The development of nuclear energy should enable the Community to meet an increasing proportion of its electricity needs, while at the same time ensuring dependability of the Community's supplies by diversifying its sources of fuel.

Like the majority of large industries the nuclear industry generates by-products, some of which are useful¹ and can be recovered. However, there are other by-products which are not useful and and these include a wide range of wastes.

These wastes are radioactive, and their radioactivity and resultant harmfulness, together with the time needed for this harmfulness to disappear², depend on the radioactive elements which they contain.

The volume of by-products is relatively low in relation to each unit of energy fed into the electricity supply networks.

It has therefore been possible, up to the present time, to cope fairly satisfactorily the problems raised by their existence. However, the foreseeable increase in the generation of electricity from nuclear energy in the Community during the next few decades has added a new dimension to the problem, as is shown in the following table. The data assumes an expansion of reprocessing in the Community (Cf Doc. COM(77) 331 - Points for a Community strategy on the reprocessing of irradiated fuels - 13 July 1977)):

¹In the form of fuel, after recovery by reprocessing the irradiated fuels; also as sources of radiation therapeutic purposes etc.

²In other words: that they no longer have any radiological effects on the environment within the meaning of the health protection rules in the Member States, laid down in conformity with the Community's radiation protection standards (Euratom).

Estimate* of quantities of radioactive by-products accumulated from 1975 to 1980, 1990 and 2000 for all of the Community

		<u>1980</u>	<u>1990</u>	<u>2000</u>
- high-activity and long-lived by-products	• solidified waste	less than 100 m ³	some thousands of m ³	approximately 20 000 m ³
	• used fuel elements waiting for reprocessing	2 000 tonnes uranium contained	10 000 to 15 000 tonnes uranium contained	-
- low-activity by-products	• processed waste	some tens of 1 000 m ³	some hundreds of 1 000 m ³	order of one million m ³

The low-activity wastes constitute the bulk of the volume produced^{**}; the treatment techniques are well known; their controlled storage, during which the harmfulness of the waste dies away, does not pose any particular technical difficulties and is a well-proven operation.

The highly active and long-lived by-products (some thousands to hundreds of thousands of years), which account for a far lower volume, constitute the main radioactive waste problem: they have to be treated and then stored away from the biosphere for very long periods ("final" storage); these by-products are made up, for the most part, of highly active wastes which result from the reprocessing operations; when such operations are not employed - either by choice or because of a delay in the commissioning of reprocessing plants - the by-products are the used fuel elements themselves. The final storage of these products will cause new problems, few of which have been investigated to date.

* This estimate can only indicate orders of magnitude because the actual production depends on the operation of the nuclear power plants, the commission dates of the reprocessing plants, the volume reduction factors achieved by the waste treatment technologies, etc.

** This volume remains small compared to wastes produced by a conventional electricity station where the ash production (in the case of a coal-fired plant) is around 400 times as great.

However, various processes for the treatment of high-activity waste exist at the pilot stage in the Community (vitrification in particular) and their industrial development is being studied. As to the matter of storage, a solution will have to be found for the long-term isolation of waste from the biosphere.

Some promising solutions are being studied (storage of waste in suitable geological formations) and in some cases pilot facilities have already been built (for example: experimental storage in salt formations); long-term experimental verification is still necessary, however, before irreversible decisions are taken in this area.

The essential aim of a policy for the management and storage of radioactive waste is to ensure the safety of the population and the protection of the environment and it would be dangerous to limit the problem to the technical questions.

The problem is highly complex and inextricably linked with the updating of acquired technologies, with industrial development and with legal, administrative and financial questions, all of which must be solved in order to guarantee the required level of safety for the public in the Community and the protection of the environment.

This problem - which creates anxieties among the general public - is today one of the major problems underlying the difficulties currently encountered in the development of nuclear energy.

II. Necessity for Community action - a plan of action

In recent years the various Community institutions have recognized the need for Community action on radioactive wastes.

On 14 May 1973, the Council approved a JRC multiannual research programme including studies on radioactive waste¹ and subsequently on 22 November 1973, approved the principle of Commission action on radioactive wastes, as part of the programme on protection of the environment. It confirmed the necessity for such action in its Resolution of 7 November 1974 and felt that it was incumbent upon the Community and the Member States to examine the problems linked primarily with the development of nuclear energy and, in particular, with active wastes. On 26 June 1975² (indirect action) and 18 July 1977 (JRC action) the Council approved the Community research and development programmes on radioactive wastes which are currently in progress.

Finally, in its Resolution of 17 May 1977 on the continuation of the environment policy, the Council confirmed and added to the radioactive waste projects included in the programme.

As far back as early 1973 the European Parliament had drawn attention to the role of the Community institutions as regards radioactive waste and to the advisability of setting up Community structures for the final storage of such wastes³. It confirmed the necessity for Community action in its Opinions on the R&D programmes.

Lastly, the Economic and Social Committee has repeatedly stated that a satisfactory solution to the unsolved problems with regard to radioactive wastes ought to be found soon if nuclear energy was to be developed as part of the energy programmes drawn up by the Community and the Member States⁴.

¹ OJ No L 153 of 9 June 1973.

² OJ No L 178/28 of 9 July 1975.

³ Interim report on behalf of the Committee on Energy, Research and Atomic Problems concerning the setting-up of Community facilities for the final storage of radioactive wastes. Rapporteur Mr Ballardini. Document EP 29.700 final of 10 January 1973.

⁴ See, for example, ECS opinion on the memorandum from the Commission to the Council entitled "Programme for the management and storage of radioactive wastes" Document ECS 617/75 of 29 May 1975; ECS study on a Community code for nuclear safety, Doc. ECS 484/77 EP of 28 April 1977.

The reasons justifying the merits and needs for Community action on radioactive wastes are recapitulated below:

- most of the Community countries are affected by problem of radioactive wastes because of their present and future nuclear programmes;
- they - or at least most of them - have in common a high population density which imposes upon them the same restrictions as regards the choice of solutions (absence of desert regions for instance;
- the fundamental aim of the management and storage of radioactive wastes is to ensure that the public and the environment are protected against the radiological risks attached to such wastes - this is therefore a public service;
- numerous problems linked with radioactive wastes, which are emerging in industrial, economic, ecological and social terms, extend beyond national borders, so that the solutions must be sought in a wider context. Such a procedure would avoid the premature and unilateral commitment of each Member State to costly construction projects, together with the multiplication of radioactive waste depositories within the Community, would enable the cost of the associated public service to be reduced and would subsequently facilitate the monitoring of the storage-site network and reduce its costs.
- the solutions adopted could affect the development of nuclear energy through their cost; it is necessary to ensure that they do not result in indirect distortions of competition, but will facilitate the harmonious development of nuclear energy in all of the Community countries;
- finally, the reception given to those solutions by the public should be eased by an approach at Community level; it would ensure that both man and the environment will be equally protected, regardless of the technologies used at the national levels and of the specific characteristics of national grounds.

So far Community action has basically consisted of the research and development programmes currently in progress in the Community. These programmes are additional to and to an extent integrate those of the Member States.

They represent an initial step which must nevertheless be followed by others, with a suitable back-up, if we wish to meet the deadlines of 1990-2000.

The Commission therefore proposes a Community plan of action aimed at organizing in the best manner possible the preparation of the long-term solutions at Community level. This plan would cover all of the problems raised by the various types of radioactive waste with emphasis, however, on those relating to the management and storage of highly active and/or long-lived wastes and would propose actions which aim at making possible the setting-up of a Community network of storage sites. It would operate from 1978 to 1990, since a shorter period would be inadequate for the work to be achieved. The plan would be reviewed every three years in order to take account of development in the situation.

III. The Community plan of action

The plan, which is the object of a Council resolution (see Annex I) revolves round the following six items:

- (1) - a continuous analysis of the situation within the Community aimed at the adoption of the necessary solutions

The outcome of the operations of the various nuclear installations¹ in the Community and the commissioning of new installations during the next few years will generate wastes of various types, in various quantities, at different times.

The aim of the analysis proposed is the joint forecasting and listing of the various activities to be undertaken in order to enable waste to be managed and stored, the plotting of their level of interdependence and the provision of the timetable which governs the decisions and choices to be made as a result of development in nuclear electricity in the Community.

¹Nuclear power plants, reprocessing plants, etc.

It must also enable areas of uncertainty to be isolated and ensure that if necessary, alternative solutions will be available in time.

Finally, it must point up the quality, extent, and phasing of the resources needed to bring all these activities to a suitable conclusion.

More particularly the following should be drawn up:

(a) A list of techniques available for application to the processing and conditioning of wastes with a view to their possible carriage* and storage, of the dates on which they will be required, the dates on which the corresponding installations will be placed in service, and of any alternative solutions.

There are not a few solutions in several countries either at the laboratory or pilot stage, but in many cases they are still to be matched to the requirements of future management on an industrial scale, this being a function of the foreseeable development of nuclear energy in the Community during the next few decades, and it is to be ensured that this matching takes place in good time. The various consequences of the choices made and the repercussions on the types of storage must also be examined where there are several solutions to one and the same problem.

(b) The programme of activities to be carried out on the storage of waste and the timetable for the construction and placing in service of storage installations while taking account of the nature of the products to be stored.

*The table on nuclear materials transport is not dealt with in this memorandum. The Commission proposes to take the appropriate measures.

Work is being carried out in this field by all the Member States*, but to different extents. Basically these activities relate to the disposal of highly active and/or long-lived wastes in suitable geological formations. Although some are currently restricting themselves to the acquisition of fundamental scientific data, they are all working along the same lines, i.e.:

- Listing of geological suitable regions in each country;
- Choice of some locations among those most favourable for the disposal of wastes after detailed geological studies both in laboratory and in situ;
- Compilation of a dossier enabling an experimental storage site to be prepared and the corresponding installation to be constructed (where the waste could be recovered if necessary);
- After an operating period long enough, decisions on the possible provision of an industrial final storage site;

(c) A list of the management practices relating to the various categories of waste, complying with the safety rules, to be defined; the dates on which they can be applied; and the compatibility of such a timetable with those already drawn up for the industrial application of the technologies concerned.

(d) Inventory of the procedures aimed at enabling radioactive waste to be stored definitively, the timetable for their implementation and the compatibility of this timetable with items a, b and c above.

* With the exception of Luxembourg. These activities have been partially incorporated in the Community's programme of indirect action.

(2) - Measures aimed at creating a Community network of sites for storing radioactive wastes

The very long-term, if not "final" (hundreds of thousands of years), storage of long-lived radioactive wastes is basically intended to protect the public and the environment from any radioactive contamination during the time necessary for the wastes to become harmless¹.

This one of the most important projects that must be implemented to solve the problem presented by radioactive wastes as a whole.

As the European Parliament stressed a number of years² ago, it is most desirable for this project to be studied and dealt with at Community level and the establishment of a Community network of storage sites seems to be the best means of attaining the objective mentioned above, while keeping expenditure to a minimum.

The facts are as follows:

A. On the technical level, experts are practically unanimous in considering that the storage of such wastes at depth in suitable geological formations - salt, clay and crystalline formations today seems to be the most promising - should enable the abovementioned objective to be attained.

It should be noted, however, that:

- The types of geological structure referred to do not exist in all the Member States;
- Current knowledge of these structures differ considerably from one to another, thus preventing a selection of the best from being made; in addition, the amount of information available is still too restricted in certain cases for there to be any certainty that all the structures will live up to expectations regarding their suitabilities.

¹The radioactive elements contained in the wastes disappear gradually through natural radioactive decay.

²Interim report drawn up on behalf of the Committee on Energy, Research and Atomic Questions on the establishment of Community facilities for the final storage of radioactive wastes (Rapporteur: Mr Ballardini) Doc. EP 29.700 final of 10 January 1973, previously mentioned.

- Not all of the structures that are promising from the geological point of view are suitable for the setting-up of storage sites, since they have to comply with a certain number of technical and socio-economic criteria.
- Certain structures may prove to be best suited to the storage of a certain category of waste and less suited to the storage of other categories.

A national choice of structures and storage sites, taking into account all the accumulated knowledge and experience and providing for one and the same standard of safety for the public throughout the Community, would therefore best be effective within a wider than merely national context.

B. More generally, very long-term storage of wastes inevitably involves the responsibility of the public authorities and can only benefit from being studied and dealt with at Community level.

Such a procedure would avoid the premature and unilateral commitment of each Member State to costly construction projects, together with the multiplication of radioactive waste depositories within the Community, would enable the cost of the associated public service to be reduced and would subsequently facilitate the monitoring of the storage-site network and reduce its cost.

A joint project along these lines has already been implemented as part of the Community's indirect action programme on the management and storage of radioactive wastes which commenced in 1975. It must, however, be accepted that this Community cooperative - level has so far been essentially restricted to technological problems forming the subject of research contracts under the aforementioned programme.

Accordingly, it is now being proposed that the necessary measures be taken to enable a Community storage network to be set up.

* The list of these measures is to be found in Annex I.

(3) - Gradual harmonization and standardization of practices concerning the management of waste, the quality and properties of conditioned wastes and the conditions governing the disposal of wastes

The management of radioactive wastes has so far been dealt with by the competent authorities exclusively in national terms*. The gradual industrial application of the operations associated with the nuclear fuel cycle will soon make it necessary for practices and policies still being drawn up to be adopted on the basis of a common approach for the acceptance criteria respecting the storage of conditioned wastes to be defined and for the requisite conditions to be laid down so that the storage of wastes can be undertaken.

The industrial development of the nuclear fuel cycle - its final step being the management and storage of radioactive waste - would benefit from a common discussion in this field; it would make possible to arrive at a better assessment of the costs of the measures to be observed and to ensure that decisions taken unilaterally by national safety authorities do not result in indirect distortions of competition within the Community.

(4) - The continuity of the Community Research and Development work for the duration of the plan

Chapter I of the EAEC Treaty limits to a maximum of five years the duration of Community programmes. In the present case, such a duration is a handicap for the satisfactory progress of the work, certain aspects of which (for example those concerning the final storage of wastes in geological formations) require continuous efforts over one or two decades.

This handicap affects both the Commission in implementing its programmes and the national laboratories whose activities are financed in part by the Community programme.

It seems necessary to implement a procedure, which depends on a good management ensuring the continuity of the Research and Development effort for the duration of the plan.

* With the exception of certain ad hoc arrangements put in hand by the Nuclear Energy Agency of the OECD and governing the disposal of low- and medium-activity wastes in the sea.

(5) - The study of ways in which the Community can participate financially in certain costs, and contingency appropriations in respect of the disposal of waste

As already pointed out, the final storage of radioactive waste presents a number of very special problems, since it involves long-term commitments on the part of the responsible authorities.

The implementation and the success of such an operation towards 1990 necessitates the provision of considerable finance by the responsible authorities:

- for research and development and the setting-up of the first storage sites;
- for coping with unforeseen additional costs for the disposal operations; and to contribute to the expenditure which could not be covered by the application of the "polluter pays" principle to the electricity producers without eventually endangering their work;
- to guard against the financial consequence of any changes in storage policy in the light of the experience required in operating the initial storage sites and of the additional processing of the waste that could result* from these changes.

* It should be recalled here that an opportunity of recovering the stored wastes is provided for during the experimental phase of site operation.

(6) - Periodically informing the public at Community level

The problem of radioactive waste is one of the major problems forming an obstacle to public acceptance of nuclear energy. For this reason an efficacious information policy is essential.

Although the question of the acceptance of nuclear energy in each Member State comes under the responsibility of the State concerned, the Community can however contribute to objective public information.

In particular, the public must be acquainted with R&D efforts in the Community to deal with radioactive waste and kept abreast of progress made in the development of solutions and the timescale of the relevant decisions.

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The plan would be implemented by the Commission, assisted by a high-level expert panel responsible for advising it on the performance of the activities covered by the plan and on the drawing-up of suitable proposals to be put to the Council.

IV. Conclusion

The adoption of such a plan would represent an extension of Community action to cover the entire problem of radioactive wastes, a problem which cannot be broken down into its component parts.

It would ensure continuity in the Community's activities in this area and would strengthen the cooperation between the Member States within the Community.

It would also demonstrate the importance attached by the Community and the Member States to maintaining public safety and the protection of the environment.

Finally, as is already the case at a lower level as regards the Community research and development programmes under way on radioactive wastes, the plan would actively promote fairly extensive international cooperation in this sphere and in the forging of increasingly fruitful international cooperation with non-member states - and more particularly European neighbours - and also with interested international organizations (IAEA, OECD) whose programmes it would complement and strengthen.

The Commission therefore invites the Council:

- to adopt the Resolution set out in Annex I on a Community plan of action relating to radioactive wastes;
- to reach a decision on the setting-up of a high-level committee of experts responsible for assisting the Commission on the implementation of the various activities provided for in the plan and also on the drawing up of appropriate proposals to be put to the Council (Cf. draft decision set out in Annex II).

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DRAFT COUNCIL RESOLUTION ON A COMMUNITY PLAN
OF ACTION RELATING TO RADIOACTIVE WASTES

The Council of the European Communities,

- Having regard to the Treaty establishing the European Atomic Energy Community;
- Having regard to the draft from the Commission;
- Whereas the Commission has addressed to the Council a memorandum on a Community plan of action in the field of radioactive wastes;
- Whereas the development of nuclear energy is intended to enable the Community to meet an increasing proportion of its electricity needs while at the same time achieving dependability in its supplies as a result of diversification of its sources of fuel;
- Whereas the foreseeable growth in the generation of electricity by nuclear means during the next decades will involve corresponding waste production;
- Whereas the achievement of this growth must be accompanied by complete respect for the safety of workers and of the public and for the protection of the environment;
- Whereas to this end the problems raised by the management and storage of radioactive wastes must be solved;
- Whereas the Council has already acknowledged the need for action at Community level of the management and storage of radioactive wastes by approving the Community environment and research and development programmes currently in progress in this field;

- Whereas the problems raised by radioactive wastes nevertheless constitute an indivisible complex of questions relating to the final development of the technologies acquired and to questions of a legal, administrative and financial nature which must be resolved in the same context;
- Whereas the Community activities in progress on research and development must therefore be backed up by other measures;
- Whereas, finally, collaboration with non-member countries and organizations in the field of radioactive waste management and storage can only benefit from an expansion of Community activities;

APPROVES the plan of action which forms an integral part of this resolution;

NOTES that the Commission will put forward proposals relevant to the appropriate implementation of this plan.

(2) Measures aimed at creating a Community network of sites for storing radioactive wastes

The measures under consideration are:

- of a technical nature: ° the intensification and extension, as regards all national programmes dealing with storage sites, of the present coordination and exchange of information effort, through the current R&D programme; study and discussion by the High-Level Committee of Experts* of the technical options and the programmes concerning the demonstration sites in the various Member States, the site at this stage being under the responsibility of the State concerned;
 - ° the experimental exchange between Member States of wastes arising from different processes for interim storage on demonstration sites in different geological formations;
 - ° technical study, from the standpoint of public safety throughout the Community, of the advantages of a Community network of storage sites.
- of a legal and financial nature: ° study of the form which a Community network would take and of the Community rules intended to govern its operation; the statute of common enterprise may be an adequate frame for this purpose;
 - ° study of the problems of responsibility presented by Community storage, taking into account their long-term aspects;
 - ° study of the compensation measures to be taken in the event of storage of non-national wastes.

* See draft Decision in Annex II.

(3) Gradual harmonization and standardization of practices concerning the management of waste, the quality and properties of conditioned wastes and the conditions governing the disposal of wastes

It seems necessary for regular consultation to be organized between the responsible national authorities.

This would make it possible:

- to facilitate checking as to whether the rules governing safety and the protection of the environment are being observed in the management of wastes, particularly where such management involves several Member States;
- to arrive at a better assessment of the costs of the measures to be observed and to ensure that they do not result in indirect distortions of competition within the Community;
- to promote jointly adopted standpoints and, where appropriate, to put them forward in international organizations such as the IAEA and the ISO, which can only further the subsequent relations of the Member States of the Community with neighbouring European countries and with third countries in general.

(4) Continuity of the Community Research and Development work for the duration of the plan

The Council would commit itself to act on the new five-year Research and Development proposals (indirect action) presented by the Commission within six months.

The Commission would commit itself to present these proposals one year at the latest before completion of the preceding five-year programme.

In particular, before 31 December 1978, the Commission would present a second Research and Development programme for 1980-84 to follow immediately after the 1975-79 programme currently underway, and the Council would undertake to act on this proposal before 30 June 1979 so that, in the event of an affirmative decision, the requisite budget would be available in 1980.

- (5) The study of ways in which the Community could participate financially in certain costs, and contingency appropriations in respect of the disposal of waste
- (6) Periodically informing the public at Community level

It is proposed:

- that the results of the analysis described in item (1) above be published periodically in the Official Journal of the European Communities;
- that other measures capable of making a positive contribution be studied by the High-Level Committee of Experts*.

* See draft Decision in Annex II.

DRAFT COUNCIL DECISION ON THE ESTABLISHMENT OF A HIGH-LEVEL
COMMITTEE OF EXPERTS TO ASSIST THE COMMISSION ON MATTERS CONCERNING
THE IMPLEMENTATION OF A PLAN OF ACTION ON RADIOACTIVE WASTES

The Council of the European Communities,

- Having regard to the Treaty establishing the European Atomic Energy Community;
- Having regard to the draft from the Commission;
- Having regard to its Resolution of..... concerning the implementation of the plan of action on radioactive wastes;

HAS DECIDED AS FOLLOWS :

Article 1

An Advisory Committee of high-level experts, hereinafter called "The Committee", is set up.

Article 2

The Committee, which shall remain in office for the entire duration of the plan, is charged with the task of assisting the Commission in the implementation of the various projects covered by the Community plan on radioactive wastes; it may be consulted by the Commission during the elaboration of Commission's proposals.

Article 3

The Committee shall be formed of representatives of the Member States, a maximum of three members to be nominated by each Government, and of representatives of the Commission. At least one member per delegation shall be a member of the Advisory Committee on Programme Management for Community Programmes concerning the management and storage of radioactive wastes.

Article 4

The Committee shall elect its Chairman amongst its members; its secretariat shall be provided by the Commission.

Done at Brussels,