

Case 187/87

Saarland and Others

v

Minister for Industry, Post and Telecommunications and Tourism and Others

(reference for a preliminary ruling
from the tribunal administratif, Strasbourg)

(Nuclear power-stations — Opinion of the Commission
under Article 37 of the EAEC Treaty)

Report for the Hearing	5014
Opinion of Advocate General Sir Gordon Slynn delivered on 8 June 1988	5028
Judgment of the Court, 22 September 1988	5037

Summary of the Judgment

EAEC — Health protection — Plans for the disposal of radioactive waste — Provision of data to the Commission — Provision of data before the issue by the national authorities of authorization for disposal

(EAEC Treaty, Art. 37)

Article 37 of the EAEC Treaty must be interpreted as meaning that the general data relating to any plan for the disposal of radioactive waste must be provided to the Commission before any such disposal is authorized by the competent authorities of the Member State concerned.

Article 37 is intended to prevent the risk of radioactive contamination and, in view of that purpose, any guidance which the

Commission can give to the Member State concerned is of very great importance, owing in particular to the Commission's unique overview of developments in the nuclear power industry throughout the Community. It must therefore be possible for the Commission's opinion to be examined in detail by the Member State concerned, under conditions such that the Commission's suggestions can still be taken into account by that State, even if it is not legally obliged to conform with the opinion.