




## Parliamentary questions

1 August 2016

E-006161-16

Question for written answer  
to the Commission  
Rule 130  
Ana Gomes (S&D)

► **Subject: Collision involving a nuclear-powered Royal Navy submarine**

 Answer(s)

On 20 July 2016, a nuclear-powered Royal Navy submarine was reported to have been forced into port in Gibraltar due to a collision with a merchant vessel.

Has the Commission been notified of this event by the UK, Spain or Portugal?

Last updated: 17 August 2016

[Legal notice](#)

EN  
E-006161/2016  
Answer given by Mr Arias Cañete  
on behalf of the Commission  
(3.10.2016)

On 21 July 2016 the United Kingdom authorities (the Marine Accident Investigation Branch - MAIB) notified the collision between M/V Andreas (IMO 9192741) and a UK military submarine HMS Ambush, which occurred on 19 July 2016 off Gibraltar, to the European Marine Casualty Information Platform (EMCIP) provided for by Article 17 of Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector<sup>1</sup>.

As it involves a military vessel, the MAIB does not consider that the accident falls within the scope of the said Directive. In this regard the Commission notes that Article 2(2)(a) of the directive explicitly excludes "ships of war" from the scope of the Directive. Hence, the Commission does not expect that any accident investigation will be carried out by the MAIB.

No notifications have been received from any other State.

With regard to the fact that HMS Ambush is nuclear-powered, the Court of Justice has ruled<sup>2</sup> that the Euratom Treaty and its secondary legislation do not apply to activities or practices of a military nature.

However, under Euratom secondary legislation<sup>3</sup>, an obligation exists for notification to the Commission whenever a Member State decides to take measures of a wide-spread nature in order to protect the general public in case of a radiological emergency, following the detection, within or outside its own territory, of abnormal levels of radioactivity which are likely to be detrimental to public health in that Member State.

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<sup>1</sup> OJ L 131 of 28.5.2009, p.114

<sup>2</sup> Judgement of 12 April 2005 C-61/03, Commission/UK, EU:C:2005:210 as well as Judgement of 9 March 2006 C-65/04, Commission/UK, EU:C:2006:161.

<sup>3</sup> Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency.