

# Evaluation of the implementation of Directive 2011/70/Euratom

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# Clear Risk & Public Control – The Joint Project

The Joint Project, European NGOs and research institutions cooperate since 2003 on safe and sustainable energy issues with a focus on anti-nuclear activities in Central and Eastern Europe. More information: [www.joint-project.org/](http://www.joint-project.org/)

Joint Project partners are:

Austrian Institute of Ecology, AT

Patricia Lorenz, Friends of the Earth Europe (FOE)

Foundation for Environment and Agriculture, BG

Za Zemiata, BG

Calla – Association for the Preservation of the Environment, CZ

South Bohemian Mothers, CZ

Energiaklub, HU

Hungarian Environmental Partnership Foundation, HU

Association 'Common Earth' ('Wspólna Ziemia'), PL

Terra Mileniul III, RO



# blems that became apparent during implementation of ective 2011/70/Euratom

ccess to national programmes and national reports

articipation on a national and transboundary level

meframes in the national programmes

xport and responsibilities

# Lack of access to national programmes and national reports

## Timeline

. **2015**: National programme and a first national report were to be submitted to EC

**2017**: Still 6 open infringement cases for “Failure to notify the national programme” (Austria, Croatia, Czech Rep., Italy, Latvia, Portugal)

## Publicly available

Only after a request by Nuclear Transparency Watch to EC the national programmes and reports were made public in July 2016

## Request versions

Requested to receive officially approved national programmes

Czech Republic: In its answer to the infringement CZ argued that it has a valid national programme (approved in 2002), and that the Strategic Environmental Assessment (SEA) is still ongoing

# Participation on a national and transboundary level?

Strategic Environmental Assessment (SEA):

The only comprehensive participation procedure for a programme

To minimize environmental impacts of a programme

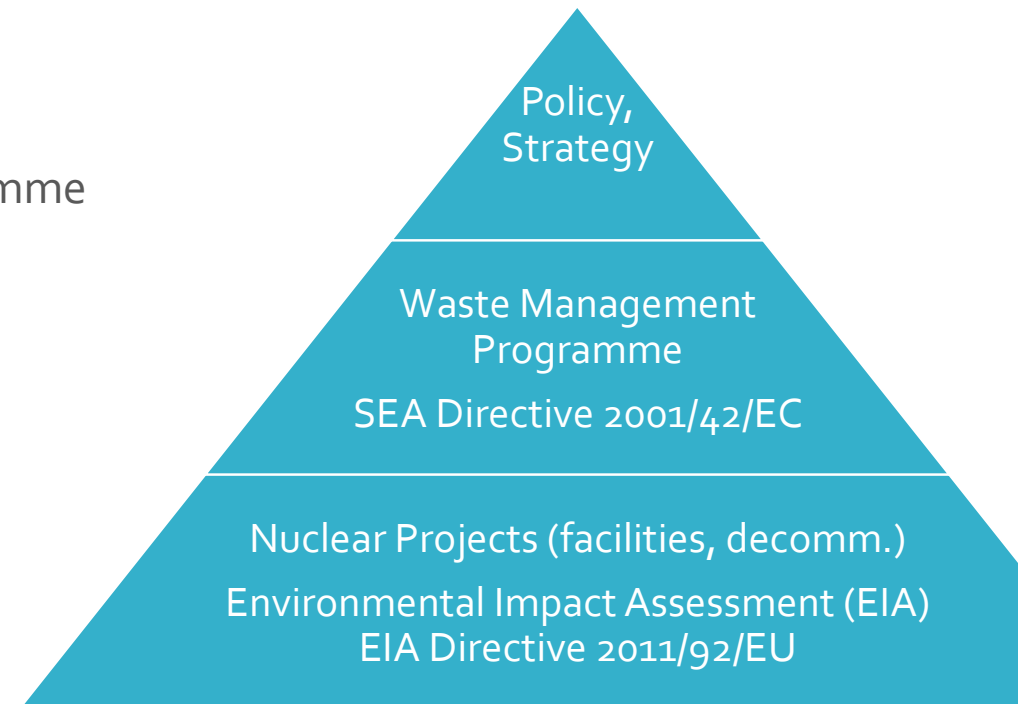
Legally binding

Options and their environmental impacts

to be discussed in a SEA

Decision for an option has to be based

on its environmental impacts



# Status of SEA in JP countries

Country	National SEA?	Transboundary SEA?
Austria	Planned	?
Czechia	?	?
Czech Republic	Ongoing	Planned
Germany	Finished	Finished (Austria is still waiting for final documents)
Poland	Finished	No
Slovakia	Planned	?

# SEA compulsory?

SEA compulsory? Yes!

National waste management programme is a programme in the meaning of the SEA-Directive 2001/42/EC

This view was also expressed by DG Environment (Mr. Kremlis, June 2015)

EC and some Member States are using the following arguments:

Euratom is a *lex specialis* for nuclear energy and therefore outside the SEA Directive – Court could give the answer (Mr. Garribba, Dec. 2016)

The national programme is based on a strategy that has already been subjected to a SEA (But: former strategies had not included costs and concepts for transparency & participation)

# Time frames in the national programmes

Problem: **Very long or no time frames at all**

Regional (multinational) disposal: 10 members of ERDO (European Repository Development Organisation) Working Group, but no timeframe

Key issue: **Substantial changes in time frames?**

Example Germany:

- Site for final disposal 2031 / start of operation 2050 (national programme 2015);
- updated in 2016 to 2058/2083



# Export and responsibility

4(2): The **ultimate responsibility for the safe and responsible disposal** of exported materials  
remain with the Member State

Problem: **Not all exported material is under the Directive 2011/70/Euratom:**

Reprocessing is not covered by Directive 2011/70/Euratom – problematic environmental situation in Mayak

Intracommunity transfer is not included in export (M. Garribba, Dec 2016)

Legacies are not included

Open issue: **How can a member state prove its ultimate responsibility?**

# Conclusions of the Joint Project

EA has to be conducted to ensure national and transboundary participation

Penalties for delays in submitting national programmes and not keeping the waste programme up-to-date should be installed

Substantial changes should be clearly defined

Member States' responsibility for exported waste should be expanded to legacies, to reprocessors and to intracommunity transfers