

Aarhus Convention & Nuclear
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Implementation of Directive 2011/70/Euratom from NGOs' points of view

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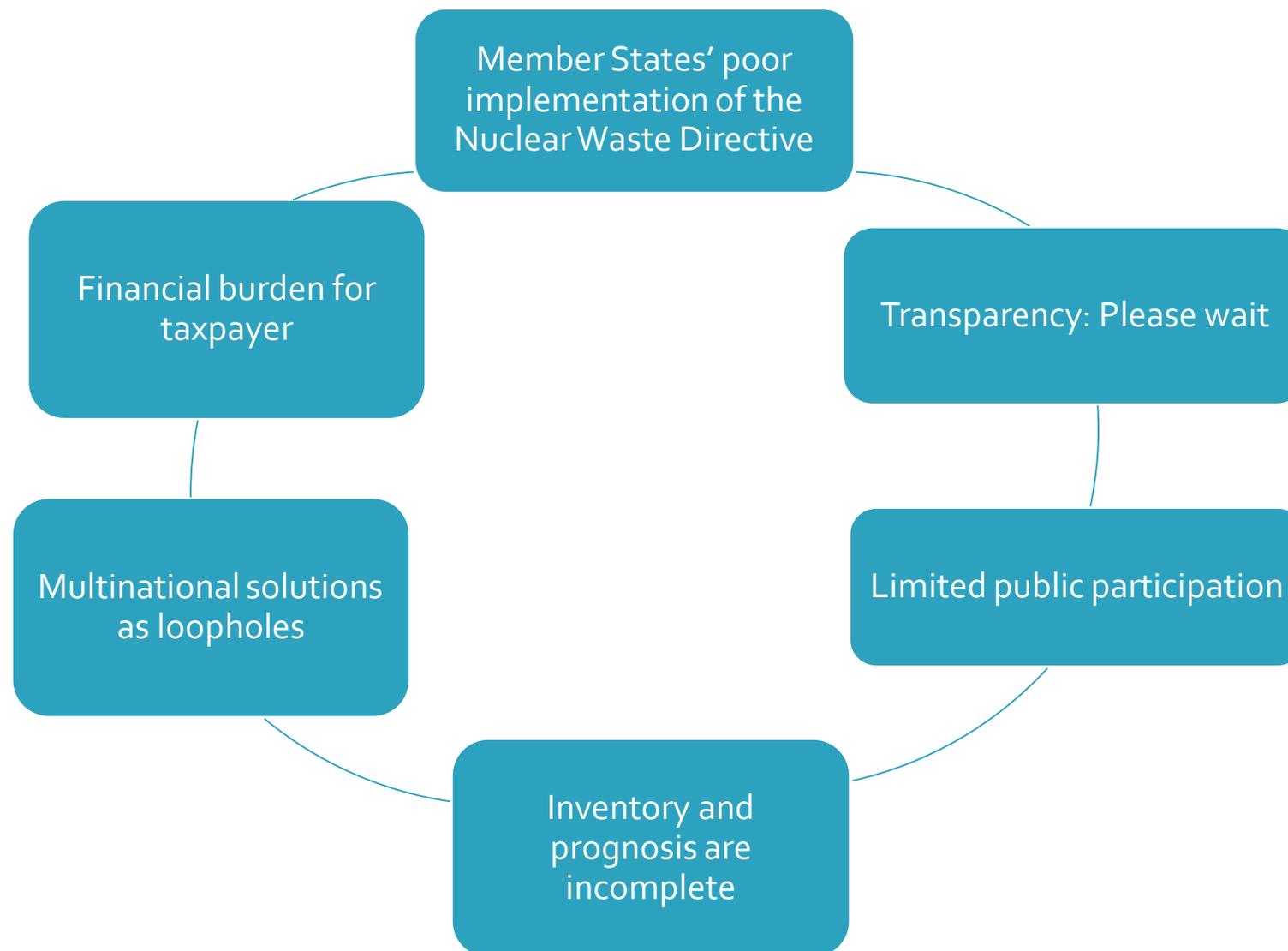
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Joint Project – Nuclear Risk & Public Control

- In 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.
- Since 2015 we monitor the implementation of the Nuclear Waste Directive 2011/70/Euratom and the national waste management programmes
- Our report is updated regularly and published on our website <http://www.joint-project.org/>

Overview of identified problems



Delays and poor implementation quality of national programmes

- Identified problems:
- Realisation of the national waste management programmes is insufficient:
 - Timetables changed without a new notification
 - Key performance indicators are not defined
 - No sanction in case of delays
 - Multinational repositories are listed without being a realistic option
- Consequences:
- If final repositories are not available in the next years, interim storage will turn into long-term interim storage:
 - Interim storage facilities and containers were not constructed for such long time periods
 - Old interim storages do not fulfil currently needed safety standards (f.e. withstand crash of commercial airliner); the issue of financial and technical possibilities of upgrades arises
- If one final repository is operating at last, the risk of it being enlarged or even filled over capacity to avoid the difficult search for a second one might arise

Costs and Financing

- Identified problems:
- Costs of the nuclear waste management programmes are unclear, cost estimates made by operators but also waste agencies are intransparent and underestimate costs
- Polluter-pays-principle is the theory, but...
- Financing gaps have already been identified in most countries:
 - Example Bulgaria: ARTEMIS recommendation from 2018: "The Government should ensure that financial provisions for geological disposal are made." This recommendation was made because the peer review team was informed that the cost for geological disposal was not included in the activities covered by the RAW fund.
 - Example Asse/Germany: The recovery of Asse might cost the taxpayers additional 5-6 billions Euros.
- Consequences:
- Taxpayers will have to pay for the lack of finance.

Transparency and Participation

- Problems identified:
 - National programmes have mostly not been subjected to a SEA
 - An EIA is not enough to ensure effective participation
 - Participation is not foreseen in later steps of the waste disposal, f.e. during safety reviews
 - Focus on passive safety for the post-closure phase is no guarantee for long-term security
 - The decision if veto-rights will be enabled is postponed
- Consequences:
 - Environmental impacts of the national waste management programmes have not been assessed properly – no EIA for long-term interim storage foreseen
 - Without trust and communication at eye level no national programme will reach the necessary acceptance by Civil Society
 - Resources have to be made available for supporting participation of Civil Society
 - Civil Society proposes the development of rolling stewardship concepts to avoid security breaches in the long-term and risk for future generations

Inventory and minimisation of future waste

- Problems identified:
 - Not all types of radioactive wastes are covered by the Directive (military, NORM, legacies like the rusted drums in the Sea)
 - It is not clear how long nuclear programmes will be maintained creating how much additional waste
 - The inventory is not well enough documented; the content of (older) canisters is often not known
- Consequences:
 - Parts of Civil Society insists on a fixed date for the nuclear phase-out before engaging in discussions about a final repository
 - If only part of a country's nuclear waste is in the scope of the national programme, credibility is lost.

Conclusions

- The Directive is certainly welcome
- Member States implemented the Directive insufficiently -> more support and more sanctions are needed
- The implementation of Art. 10 is by far not sufficient with a high risk that the national programmes will not work. We suggest:
 - A guidance for the Member States is needed how to implement transparency and participation
 - Member States should provide a budget for participation of Civil Society
- Until there is no nuclear waste management established that not only authorities but also Civil Society assesses as safe enough, nuclear should be kept out of the taxonomy.

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- The updated version of the Joint Project's report was supported by the Viennese Ombudsoffice for Environmental Protection (WUA)
- Download and more information on Joint Project – Nuclear Risk & Public Control : www.joint-project.org/

