

Germany`s nuclear repository search - From the difficulties of the public to participate

From NTW member Brigitte Artmann, councilor Greens Fichtelgebirge, district of Wunsiedel

Marktredwitz, February 2017. The German regions want to have a say in the search for a repository for high radioactive waste. A series of workshops of the competent Commission for the Storage of High Level Radioactive Waste from the Federal Government and the Federal Council of Germany ended up with an unusually broad consensus of the participants. The participants demanded from politics and Commission to involve the public as widely and as early as possible in the forthcoming, decades-long search. Unfortunately a lot of this broad consensus wasn`t taken into account by the Commission. In addition the 111 persons that had sent comments during the final public consulting phase of the Commission`s report were not incorporated.

To answer the question “How can 80 million citizens be involved in the choice of a site for high-level radioactive waste?” the Commission for the Storage of High Level Radioactive Waste met from November 2015 until April 2016 with district administrators, mayors, citizens, citizens groups, NGOs and representatives of interim storage municipalities. The participants learnt, that Germany will have to store twice as much nuclear waste as was so far expected.¹

According to the registration lists of these workshops, a lot of the participants representing the public concerned belonged to E.ON, RWE, the nuclear sites, the cities and districts, that host these sites, mining companies, companies for castors, companies which are involved in planning, building, operating and rebuilding of nuclear plants. Of course these participants had less interest to offer re-check decisions in the finding-process of the nuclear repository, to go one step back in the process and to start again if necessary, to offer wide access to justice for individuals and to offer the widest as possible opportunity for public participation.

However, all of these participants achieved remarkably unanimous results despite widely varying local, regional and personal interests.

According to the Commission these results are included in the recommendations to the Federal Parliament and to the German Government. But this is not in fact the case.

It was very disappointing to learn at the last workshop - shortly before the final report was published - that the **selection of the possible sites in dialogue with the regions**² weren`t even discussed in the Commission and therefore weren`t included into the 225 pages of the draft-report. This counteracted the reason for the workshops which were done to let the public participate on the procedure “What will be the best way of public participation on the finding-process of the nuclear repository”.

¹ Germany has to store twice as much nuclear waste as was expected so far. rtlnext.rtl.de/cms/in-deutschland-muss-doppelt-so-viel-atommuell-entsorgt-werden-als-bisher-angenommen-2120365.html

² Link to the selection of the possible sites in dialogue with the regions (K-Drs. 180c) www.bundestag.de/blob/418668/834c9f479dc29161e0afc2761aefb13d/drs_180c-data.pdf

Concerning the part “public participation” the participants were given on the last day of the last workshop a written copy with 66 pages, which the Commission had not even discussed. Missing in the draft-report were also the geo-scientific exclusions, minimum and weighing criteria of the workshops.³

This all doesn't create trust.

Furthermore this report of the Commission is only a recommendation to the German parliament. In addition the Commission had to work under high time pressure. Therefore no one was surprised about the result of the final survey conducted amongst the participants.

How satisfied are you with the results in the draft-report of the Commission?

27,4 % not satisfied

47,6 % no opinion

24,8 % satisfied

0,2 % ?

The following was decided in the workshops. But wasn't included into the report of the Commission and cannot be found in the actual amendment of the law for the nuclear repository search (StandAG) which will be adopted in 2017.

1. Correct public information and participation in all stages, also in SEA and EIA procedure.

Information only by a website or to send letters/emails to district administrators aren't enough and newspapers are not obliged to inform.

2. Correct implementation of the Aarhus Convention into the SEA, the EIA, the Atomic and other Laws.

3. Access to justice when all options are open for individuals and NGO.

The German Federal Environmental Ministry refused to implement the Convention correctly concerning the rights of legal participation of individuals in SEA procedures into the German Environmental Remedy Law (UmwRG). **A legal study in German language commissioned by the Aarhus Konvention Initiative is available here.**⁴

4. Veto right for the concerned municipality of the possible repository site.

5. Money for the public's future participation.

³ Link to the geo-scientific exclusion, minimum and weighing criteria of the workshops (K-Drs. 209) www.bundestag.de/blob/418814/7f1d804f21956122d9343af296a67b27/drs_209-data.pdf

⁴ A legal study in German commissioned by the Aarhus Konvention Initiative is available here <http://aarhus-konvention-initiative.de/aarhus-stellungnahme-umweltrechtsbehelfsgesetz/>

If individuals of the public want to participate in and at the information events of the National Monitoring Committee in Berlin they have to pay travel costs and accommodation by themselves. This means only those able to go to Berlin and back home in one day will be able to participate easily and under reasonable conditions. The National Monitoring Committee shall guarantee that the public can participate without discrimination on the nuclear repository search.

6. **Money from the funds of the repository search for the public concerned**, for concerned individuals, initiatives and concerned municipalities in order to be able to order independent experts.

In the workshops of the Commission public participation was rejected concerning the

- **Zero solution.**
The repository will be built in an own mine and nothing else.
- **Security questions in this context.**
Bunker breaking weapons are made for deep mines and hot sources.
- **Illegal state aid for the financial restructuring plan for the nuclear repository** with the European Commission, because the public will have to pay for a big part of it.

The Greens Fichtelgebirge and members of the Aarhus Konvention Initiative participated in the whole process and in all workshops. The granite of the mountains of the Fichtelgebirge was already investigated as possible nuclear repository site in the last searches, but always was excluded.

It wasn't easy to take part in these workshops, because the Commission sent letters to all 402 district administrators in Germany. But the district administrators didn't inform the rest of the public concerned. After the intervention of the Greens Fichtelgebirge, the Commission sent out the invitations once again. And as a result thereafter few members of the public like the people from Fichtelgebirge were able to register. Some of these workshops lasted two days. Travel costs and accommodation were paid by the Federal Government.

The Bavarian ruling Christ-Social-Union Party took action against the participants in Trump style.

The participants of the workshop were asked by the Commission to inform their regions. The Greens Fichtelgebirge did it at a public event like many other participants all over Germany did. They invited the local press. Surprisingly they found themselves heavily attacked by lies from the Christ-Social-Union party (CSU) newspaper called "Bayernkurier" in best Trump style. They were the only one group in Germany being attacked in this particular way. The CSU don't want a repository in Bavaria. Because the other newspaper, a regional one, also told lies concerning the press-speaker of the **Commission for the Storage of High Level Radioactive Waste** and concerning a member of the Greens Fichtelgebirge, the chair of the Greens Fichtelgebirge, Brigitte Artmann, took it before the German Press Council. Both of these cases were won. The "Bayernkurier" removed the article from

its website. The Commission informed, that the search for a repository might take until 2058, and not as planned until 2025.

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