

Directive 2011/70/Euratom – reality check of implementation

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Radioactive Waste and Spent Fuel Management Directive 2011/70/Euratom – content of national programmes

- EU countries should have a national policy – overall objectives
- Significant milestones and timeframes
- Inventory
- Plans and technical solutions for waste management, also for post-closure-period
- Research activities
- Responsibility of implementation and key performance indicators for progress
- Concept for transparency and participation
- Assessment of costs and the financing scheme in force
- Information about export agreements
- EU countries invite international peer reviews at least every ten years

Problems that became apparent during implementation of Directive 2011/70/Euratom

1. Access to national programmes and national reports
2. Participation on a national and transboundary level or only local?
3. Milestones and monitoring of progress
4. Export and responsibilities

1. Access to national programmes and national reports

- **Aug. 2015:** National programme and a first national report were to be submitted to EC
- **Sept. 2015:** only 16 countries have notified their **programmes, draft programmes or overviews** to the EC – EC requested to receive officially approved national programmes
- **March 2016:** Request of Nuclear Transparency Watch to EC for access to all national programmes and national reports
- **Apr. 2016:** EC infringement procedures started for “Failure to notify the national programme”
- **July 2016:** Request of NTW was met, national programmes and national reports were made public by NTW: <http://www.nuclear-transparency-watch.eu/a-la-une/access-to-national-programmes-on-radioactive-waste-management.html>
- **Dec. 2016:** Still 6 open infringement cases (Austria, Croatia, Czech Rep., Italy, Latvia, Portugal)
- **Problems: not in time, not publically available, draft version**

2. Participation on a national and transboundary level?

- Transparency and public participation is in some national programmes only foreseen on a local/regional level
- But waste management programmes have impacts also on a national and transboundary level
- Strategic Environmental Assessment (SEA):
 - The only comprehensive participation procedure
 - To minimize environmental impacts of a programme
 - Possible alternatives are considered only during the SEA
 - Legally binding



What alternatives can be assessed in a SEA?

- National final disposal
 - Multinational final disposal
 - With or without option for retrieval
 - Reprocessing (with or without taking back high level waste)
 - Export for interim storage
 - Export for final disposal
 - Long-term interim storage
 - “Wait and see”: waiting for better technological options, incl. hopes for transmutation & partitioning
- These options and their environmental impacts have to be discussed in a SEA
- The decision for an option has to be based on their environmental impacts!

2. Is a SEA compulsory?

- Is a SEA compulsory? Yes!
 - National waste management programme is a programme in the meaning of the SEA-Directive
 - This view was also expressed by DG Environment (Mr. Kremlis, June 2015)
- But: EC and some Member States are using the following arguments:
 - Euratom Directive does not explicitly mention that the national programme has to be subjected to SEA
 - Euratom is outside the SEA Directive
 - The national programme is still a draft (But: a SEA should be carried out during the preparation of the programme and before its adoption)
 - The national programme is based on a strategy that has already been subjected to a SEA (But: former strategies have not included costs and concepts for transparency & participation)
 - EIA for single projects will be conducted

3. Milestones and monitoring of implementation of the national programme

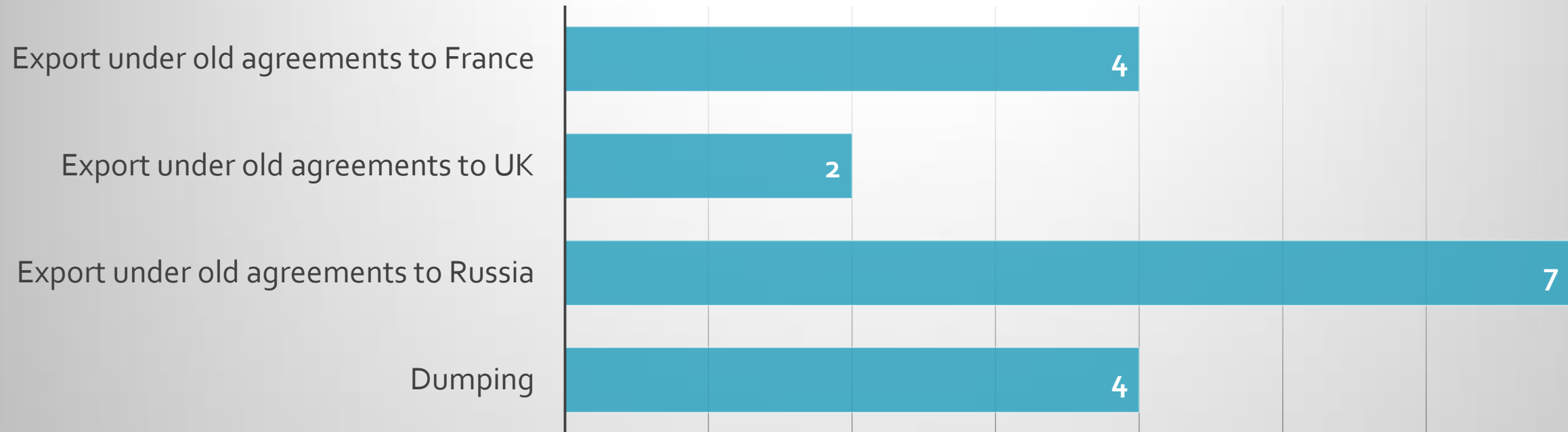
- National programmes have to include **significant milestones and clear timeframes**
- Example Germany:
 - Site for final disposal 2031 / start of operation 2050 (national programme 2015);
 - updated in 2016 to 2058/2083
- Open issue: What happens if a Member State changes its national programme substantially?
- National programmes have to include **key indicators to monitor progress towards implementation**
 - Example Germany: no key indicators
 - Example Hungary: key indicators, for most of them one institution was named as responsible for control, but no sanctions
- What are the consequences of non-compliance?

4. Export and responsibility

- First reading of Directive 2011/70/Euratom: EC and Parliament wanted a complete export ban to non-EU countries
- Final version: Export to non-EU countries is allowed.
- Art 4(2): The **ultimate responsibility for the safe and responsible disposal** of exported materials shall remain with the Member State
- Export for reprocessing and processing, for interim storage and final disposal, with or without return of radioactive waste
- Open question: How can a Member State prove its ultimate responsibility, especially if spent fuel is transported to third countries and not taken back?

Exports

Out of 17 countries with spent fuel 11 countries exported it under expired or existing agreements



Out of 17 countries with spent fuel, 7 countries keep the export option open



Regional (multinational) disposal

- Regional (multinational) disposal as a special form of planned export
- 10 members of ERDO (European Repository Development Organisation) Working Group:
 - Austria, Ireland, Netherlands, Poland, Slovakia, Bulgaria, Italy, Lithuania, Romania, and Slovenia
 - Only 3 out of 10 have no spent fuel from commercial reactors
- Until now, nobody has pressed forward with the wish to import spent fuel and radioactive waste for disposal
- If this is an option for a country, a Plan B is needed urgently.

Conclusions

- A SEA has to be conducted to ensure national and transboundary participation
- Assessment of environmental impacts of alternatives, esp. like reprocessing and export, has to be conducted in national programmes before decisions are taken.
- Key indicators for monitoring of progress should be taken more seriously
- Sanctions for delays in submitting national programmes and not keeping the waste programme timetable should be installed
- The Member States' responsibility for exported waste should be expanded to legacies
- The open question of Member States' ultimate responsibility in case of export without return should be solved
- We hope that the EC also takes this view.

Nuclear Risk & Public Control – The Joint Project

- 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. More information: www.joint-project.org/
- The Joint Project partners are:
 - Austrian Institute of Ecology, AT
 - Patricia Lorenz, Friends of the Earth Europe (FOE)
 - Foundation for Environment and Agriculture, BG
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 - Calla – Association for the Preservation of the Environment, CZ
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 - Energiaklub, HU
 - Hungarian Environmental Partnership Foundation, HU
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