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Access to Information, Public Participation  
in Decision-making and Access to Justice  
in Environmental Matters

#### Working Group of the Parties

##### Sixteenth meeting

Geneva, 19-21 June 2013

Item 3 (b) of the provisional agenda

**Substantive issues: public participation in decision-making**

### Report of the Task Force on Public Participation in Decision-making on its fourth meeting\*

#### *Summary*

At its second extraordinary session (Geneva, 19 and 22 April and 30 June 2010), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters established the Task Force on Public Participation in Decision-making (ECE/MP.PP/2010/2/Add.1, decision EMP.II/1).<sup>1</sup> The Meeting of the Parties requested the Task Force to undertake various activities in the intersessional period between the fourth and fifth sessions of the Meeting of the Parties, including to document and share expertise, experience and good practices concerning public participation in environmental decision-making, inter alia, through the organization of workshops, and to present the overall outcome of its work, through the Working Group of the Parties, to the fifth session of the Meeting of the Parties for consideration (ibid., paras. 3 and 4).

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\* This document was submitted late due to time required for verifying statements by numerous presenters, consultations with the partner organizations, and conflicting work priorities.

<sup>1</sup> Available from

[http://www.unece.org/fileadmin/DAM/env/documents/2010/pp/ece\\_mp\\_pp\\_2010\\_2\\_add\\_1\\_e.pdf](http://www.unece.org/fileadmin/DAM/env/documents/2010/pp/ece_mp_pp_2010_2_add_1_e.pdf)

At its fourth session (Chisinau, 29 June–1 July 2011), the Meeting of the Parties requested the Task Force to explore synergies and possibilities for cooperation with, inter alia, the Association Nationale des Comités et Commissions Locales d'Information des activités nucléaires (ANCCLI) (ECE/MP.PP/2011/2/Add.1, decision IV/6, annex I, work programme for 2012-2014, activity V).<sup>2</sup>

Further to those decisions, the present report of the fourth meeting of the Task Force, which was held in Luxembourg on 12 and 13 March 2013, is being submitted to the Working Group of the Parties for its consideration. The meeting was organized jointly with ANCCLI and the Directorate-General Energy of the European Commission.

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<sup>2</sup> Available from  
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## I. Introduction

1. The fourth meeting of the Task Force on Public Participation in Decision-making under the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held in Luxembourg, from 12 to 13 March 2013. The meeting was organized jointly with the Association Nationale des Comités et Commissions Locales d'Information des activités nucléaires (ANCCLI) and the Directorate-General Energy (DG-ENER) of the European Commission.
2. The meeting was attended by representatives of the following Governments: Armenia, Austria, Bulgaria, France, Germany, Ireland, Lithuania, Russian Federation, Slovakia, Tajikistan and the European Union (EU) (represented by the European Commission).
3. The following intergovernmental organizations, international financial institutions and regional environmental centres were represented: European Bank for Reconstruction and Development, Organisation for Economic Cooperation and Development, Organization for Security and Cooperation in Europe Office in Tajikistan, Regional Environmental Center for Central and Eastern Europe (Hungary and Country Office Slovenia).
4. Agencies and institutions of the European Commission represented included: DG-ENER, Directorate-General Environment, Directorate-General for Research and Innovation and the Joint Research Centre. The European Parliament and the European Economic and Social Committee were also represented.
5. The following national authorities, agencies, research centres and local information commissions took part: Autorité de Sureté Nucléaire (ASN) (France), Belgian Agency for Radioactive Waste and Enriched Fissile Materials (ONDRAF/NIRAS) (Belgium), Commission locale d'information de Cadarache (France), Haut Comité pour la Transparence et l'Information sur la Sécurité Nucléaire (HCTISN) (France), Institut de Radioprotection et de Sécurité Nucléaire (IRSN) (France), Mols Overleg Nucleair Afval (MONA) (Belgium), National Centre for Nuclear Research (Poland), Nuclear Decommissioning Authority (United Kingdom) and State Enterprise Radioactive Waste (Bulgaria).
6. The following non-governmental organizations (NGOs) were represented: Association for Regulation of Cohabitation (Slovenia), Centre for Sustainable Alternatives (Slovakia), Community "Atgaja" (Lithuania), Ecoclub (Ukraine), Ecohome (Belarus), Energia Klub (Hungary), Environmental Management and Law Association (Hungary), European Environment Bureau (Belgium), Foundation for Environment and Agriculture (Bulgaria), Friends of the Earth Europe (Belgium), Green Alliance (Belarus), Green Alternatives against Nuclear Power Plants (Bulgaria), Greenpeace International (Netherlands), Greenpeace Belgium (Belgium), Greenpeace Luxembourg (Luxembourg), Greens Fichtelgebirg (Germany), MAMA-86 (Ukraine), National Ecological Centre of Ukraine (Ukraine), Resource and Analysis Center "Society and Environment" (Ukraine), Social-Ecological Fund (Kazakhstan), Terra Mileniul (Romania), Women in Europe for Common Future (Germany) and ZEG (Slovenia).
7. Representatives of the private sector included: DECOM a.s. (Slovakia), Fennoviama (Belgium), Karita AB (Sweden) and Symlog (France). The independent media were also represented.
8. Mr. Philip Kearney (Ireland), Chair of the Task Force on Public Participation in Decision-making, Ms. Ute Blohm-Hieber, Head of Unit, DG-ENER, European

Commission, and Mr. Jean-Claude Delalonde, President of ANCCLI, co-chaired the meeting.

9. Mr. Jerzy Jendroska provided expert support as consultant with respect to the third draft of the Aarhus Convention's Recommendations on Public Participation in Environmental Decision-making.

## **II. Opening roundtable**

10. The opening roundtable was chaired by Ms. Blohm-Hieber, who opened the meeting on behalf of DG-ENER.

### **A. Opening statements**

11. Mr. Kearney welcomed the participants in his role as Chair of the Task Force on Public Participation in Decision-making. The current meeting was the Task Force's fourth and final meeting during the three-year period 2011-2014 and he was pleased that it was possible to organize the final meeting as a joint event with DG-ENER and ANCCLI.

12. Mr. Delalonde welcomed participants in his role as Chair of ANCCLI. The meeting would serve as the final conference of the Aarhus Convention and Nuclear (ACN) process, which had begun four years earlier. Noting the increased recognition of the importance of nuclear safety since the Fukushima nuclear accident, the ACN initiative had succeeded in bringing together different stakeholders, including civil society, around the common goal of strengthening nuclear safety in Europe, without prejudicing the various positions of those stakeholders towards nuclear energy.

13. He said the goal of the ACN initiative was to examine the opportunities and conditions of public information and participation in Europe as a means of contributing to strengthening nuclear safety in the region. The current meeting, as the final ACN conference, would draw together lessons learned during the process and consider possible action to further increase public engagement in nuclear activities.

14. He thanked DG-ENER and the Aarhus Convention's Task Force for their cooperation in organizing the meeting, and the French Minister of Ecology, the French Minister of Foreign Affairs, the French Nuclear Safety Authority and the French Institute for Radiological Protection and Nuclear Safety for their ongoing support for the ACN process.

15. Ms. Blohm-Hieber said the ACN process had provided insight into the practical implementation of the Aarhus Convention in the nuclear field in different EU Member States, including both challenges and good practices. In doing so, it had helped to identify possible steps for future progress both in EU Member States and also neighbouring countries. While meetings at the EU level had their value it was even more important to strengthen national initiatives, such as the ACN national roundtables already held in seven countries.

16. She said the present meeting should help to demonstrate what had been achieved so far and what remained to be done, especially at national level. Participants were invited to consider how national initiatives such as the ACN roundtables might form the basis for effective public participation processes in the future—for example through bilateral partnerships, and possibly with the help of ANCCLI and the European Commission. She invited participants to consider how a stable financial basis might be achieved to ensure the continuation of national initiatives.

17. Mr. André Mordant, Vice-President of the Section for Transport, Energy, Infrastructure and the Information Society of the European Economic and Social Committee (EESC), said that the EESC strongly supported transparency and the debate on energy in general and nuclear energy in particular; the guiding principles being that energy should be available to all, and be safe, sustainable and competitive. Nuclear safety and the management of radioactive waste remained a source of public concern.

18. While the Aarhus Convention helped to address those concerns, its implementation still encountered many difficulties, especially in countries where the democratic system was not fully developed. In this regard, the ACN roundtables had facilitated the exchange of best practice between stakeholders from different countries. The EESC would continue its efforts to promote greater transparency and participation in nuclear energy, for example through the European Nuclear Energy Forum and through organizing dedicated conferences. The ACN roundtables could also serve as a model for other types of energy beyond the nuclear domain.

## **B. Overview of recent and upcoming developments in European Union legislation**

19. Ms. Blohm-Hieber provided an overview of the Nuclear Safety Directive<sup>3</sup> and the Radioactive Waste Directive<sup>4</sup>. Both Directives had provisions on transparency and required EU Member States to carry out self-assessments and international peer reviews at least every ten years. While the Nuclear Safety Directive currently addressed access to information only, the Radioactive Waste Directive covered both access to information and public participation in decision-making. The transposition by EU Member States of the Radioactive Waste Directive into national law was to be completed by August 2013, while national programmes were to be in place by August 2015.

20. Mr. Adam Daniel Nagy, Directorate-General Environment, reported on the European Commission's proposal to revise the EIA Directive<sup>5</sup>. The revision was the first significant review since the Directive's adoption in 1985 and would thus take into account the considerable legal, political and technical developments in the meantime.

21. The review should ensure the more effective application of the Directive, as well as reflect current environmental and socio-economic priorities and challenges. It should strengthen the quality-related elements of the Directive, simplify procedures and enhance policy coherence and synergies with other EU legislation and international law. For public participation, proposed changes in the revised Directive included a set time frame for public consultation of 30 to 60 days, with a possible 30-day extension. The environmental assessment would be required to include a summary of the comments received from the public, as well as how the comments had been incorporated or otherwise addressed.

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<sup>3</sup> Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations.

<sup>4</sup> Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste.

<sup>5</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

### III. Key outcomes of the Aarhus Convention and Nuclear (ACN) roundtables

22. The session was chaired by Mr. Jacques Repussard, Director General, Institute of Radioprotection and Nuclear Safety (IRSN), France.

#### A. Overview of the ACN roundtable process

23. Mr. Michel Demet, ANCCLI, provided an overview of the ACN initiative. Established in 2008 by ANCCLI and the DG-ENER to assess the implementation of the Aarhus Convention in the nuclear domain in Europe, the ACN process had brought together a broad range of stakeholders, including institutional actors (regulators, operators, and experts), elected officials and civil society organizations involved in the daily monitoring of civil nuclear activities at local, national and European levels. Four European thematic roundtables had been held and had been attended by participants from 19 countries.

24. The ACN process had examined obstacles and good practices regarding access to information and public participation in nuclear-related issues. It had demonstrated that improved access to information and public participation in decision-making contributed to the quality and implementation of decisions concerning nuclear safety. It had also shown that the Aarhus Convention provided a supportive framework for different stakeholders to work together to improve nuclear safety, without prejudice to their positions on nuclear energy itself.

#### B. ACN roundtable on radioactive waste management

25. Ms. Claire Mays, Symlog (France), reported on the first ACN European roundtable on radioactive waste management (RWM), held on 8 and 9 April 2010 in Luxembourg.<sup>6</sup> It had included 80 participants from 14 EU Member States and Ukraine and had discussed case studies from Belgium, Czech Republic, France, Hungary, Slovenia, Sweden and the United Kingdom.

26. It had concluded that practical implementation of the Aarhus Convention in RWM would require deep cultural changes both by institutions and by civil society. Roundtable participants reported frequent institutional resistance to the public's requests for access to information. Achieving a more participatory governance of RWM would require the engagement of all the main categories of stakeholders. Although institutional goodwill was welcomed, it alone would not be sufficient.

27. A long-term driver for more effective implementation of the Convention would be the emergence of sustainable public participation on an ongoing basis. Public engagement could not, however, be decreed; rather support should be provided to assist it to develop organically by itself.

28. Such support might include clear legal obligations on access to information and public participation, reasonable timeframes, financial assistance and access to expertise. The requirement for EU member States to transpose the Radioactive Waste Directive into national law by 23 August 2013 presented a timely opportunity to check the Convention's implementation in those countries.

<sup>6</sup> <http://www.anccli.fr/Europe-International/ACN-Aarhus-Convention-Nuclear/European-round-tables-Tables-rondes-europeennes/First-European-round-table-Application-of-the-Aarhus-Convention-to-the-field-of-radioactive-waste-management>

### C. ACN roundtable on access to expertise and competence-building

29. Mr. François Rollinger, IRSN (France), reported on the second ACN European roundtable, which had considered access to expertise and competence building.<sup>7</sup> The roundtable had been held on 20 and 21 January 2011 in Luxembourg with 60 participants from 12 EU Member States, Belarus and Ukraine. It had noted that access to expertise and competence-building at an early stage were pre-requisites for implementing the Convention's first two pillars effectively. Technical mediation skills were required to facilitate dialogue between experts and civil society. Achieving this would require: (a) public access to all existing research, to enable the public to review the available knowledge and reasoning; (b) on-going interaction between civil society and experts in order to build trust and facilitate information exchange information; (c) mediators and a "neutral third-party"; and (d) the outcomes of the public consultation to effectively influence decision-making with explanations for the public on how their comments had been duly taken into account.

### D. ACN roundtable on nuclear emergencies and post-accident situations

30. Mr. Stéphane Baude, Mutadis, reported on the third ACN European roundtable, which had discussed the management of nuclear emergencies and post-accident situations.<sup>8</sup> The roundtable had been held on 15-16 February 2012 in Luxemburg and included 75 participants from 15 EU Member States, plus Belarus, Japan, the Russian Federation and Ukraine.

31. The Chernobyl and Fukushima accidents had demonstrated that the complexity of a nuclear emergency increased very quickly. A key condition for effective access to information and public participation in post-accident preparedness and management was to put in place favourable conditions for civil society to contribute to the quality of post-accident decisions. The sharing of different sources of information and expertise, including from civil society, was as relevant in the preparation phase as during the emergency itself.

32. Technical tools were needed to facilitate information sharing and cooperation between concerned actors at all levels, including tools to help local actors assess the potential impacts of a post-accident situation in their territory, to be fed into post-accident preparation at the regional and national level.

33. Tools would also be needed to enable quick exchanges of information and analysis between institutional experts in post-accident management and other institutional and civil society experts. Tools would further be needed to facilitate the contribution of civil society to decision-making on post-accident issues at local, regional, national and European level (e.g. regarding the preparedness of large urban areas to respond to a contamination situation). Public participation in emergency preparedness and response should not be limited to participation in formal decision-making procedures, rather it should enable all actors to consider the issues and build strategies together.

34. A key issue was how to facilitate preparedness when an accident had not yet happened—and was therefore not high on actors' agendas. Tools discussed in that regard

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<sup>7</sup> <http://www.anccli.fr/Europe-International/ACN-Aarhus-Convention-Nuclear/European-round-tables-Tables-rondes-europeennes/Second-European-round-table-Access-to-expertise-and-compentence-building>

<sup>8</sup> <http://www.anccli.fr/Europe-International/ACN-Aarhus-Convention-Nuclear/European-round-tables-Tables-rondes-europeennes/Troisieme-Table-Ronde-Europeenne-contexte-d-un-accident-nucleaire-avec-des-consequences-durables-Nouveaux-defis-apres-Fukushima>

included simulation and awareness-rising tools (e.g. the OPAL tool in France), multi-stakeholder dialogue tools (e.g. the EURANOS methodological framework), and to include civil society into multi-risk analysis (e.g. public-private cooperation in Finland regarding securing supplies).

## **E. ACN roundtable on nuclear safety**

35. Mr. Yves Lheureux, ANCCLI, reported on the fourth ACN European roundtable, which discussed nuclear safety.<sup>9</sup> The roundtable had been held on 4-5 December 2012 in Luxembourg and included 125 participants from 16 EU Member States and Belarus, the Russian Federation and Ukraine. It underlined the need for access to information and public participation at all stages in the lifecycle of nuclear facilities (e.g. siting, building, operating, periodic reviews, life time extension, decommissioning, etc.).

36. Much remained to be done to achieve a systematic approach towards access to information and public participation on nuclear safety in the region. In some countries, public participation in nuclear safety was developing favourably; in others, the public's potential contribution was impeded and even denied. Both institutional actors and civil society called for harmonization of standards and practices in the region.

37. The roundtable discussed what might be done to create the conditions for public participation to become the fourth pillar of nuclear safety (regulator, operator, technical support organizations, civil society). Roundtable participants supported the proposed creation of a "Nuclear Transparency Watch" network to bring together NGOs and other members of the public working on nuclear-related issues at local, national and EU levels.<sup>10</sup>

## **IV. Challenges encountered in implementing the Aarhus Convention in the nuclear domain and possible good practices to address them**

38. The session was chaired by Mr. Kearney and organized in the "open space" format around various topics. Participants were free to move between topics at any time.

### **A. Identification of the public concerned**

39. Article 2, paragraph 5, of the Convention provided a very inclusive definition of the "public concerned", encompassing anyone who might be affected by or had an interest in the decision-making. The Fukushima accident showed the scope of the public concerned could be far wider than had been previously thought. It could also increase over time — public debate and high media attention usefully raised public awareness, potentially increasing the number of persons who then realized they might be affected by or interested in the decision-making. For example, people living near a proposed route for transporting radioactive waste often required information and education to understand that they came within the scope of public concerned.

40. The usual current "top-down" approach of decision-makers deciding for themselves in advance which sectors of the public were the public concerned was considered to have questionable legitimacy. Rather, the public concerned should be the public who think they

<sup>9</sup> <http://www.anccli.fr/Europe-International/ACN-Aarhus-Convention-Nuclear/European-round-tables-Tables-rondes-europeennes/Quatrieme-Table-Ronde-Europeenne-surete-nucleaire>

<sup>10</sup> <http://www.anccli.fr/Europe-International/Nuclear-Transparency-Watch>

are concerned. Under French law, citizens were responsible for their own safety and thus were entitled to have access to information and to participate in decisions relating to their safety and for regulators, operators and authorities to help them realize these rights.

41. Future generations would be affected by nuclear decisions made today, but it was not possible to ask them now for their views. While future generations should rightly be considered among the “public concerned”, there were few tools yet developed to take their views into account.

42. Issues of representativeness and representative versus participatory democracy were discussed. The importance of multi-stakeholder committees was noted. Such committees should be open not only to scientists or NGO representatives but also to concerned members of the general public.

## **B. Confidentiality and effective access to all information relevant to decision-making**

43. It was reported that in many countries, once the authorities determined part of a document to be confidential, the entire document was held back from disclosure. This was contrary to article 4, paragraph 6, of the Convention, which required the exempted information to be separated and the remainder of the information disclosed. The practice of IRSN (France) to review each of its reports step-by-step to determine what should be disclosed and what not was noted favourably.

44. Risk of terrorism and threats to national security were increasingly cited as grounds for refusing to disclose information relevant to nuclear-related decision-making, though participants questioned the relevance to national security of most of the requests denied. Likewise, the exceptions in article 4, paragraph 4, of the Convention regarding commercial or industrial information and intellectual property rights were being incorrectly applied and overused. It was stressed that authorities should prioritize public interest in health and safety over developers’ claims of confidential business information.

45. In several countries, including Belarus, the Czech Republic and Slovakia, nuclear activities were covered by a specific nuclear law and were thus considered to be in their own legal sphere and not subject to the Convention. Access to nuclear-related information, such as pre-operational and operational safety reports, was refused on the grounds that they did not contain “environmental information”. Concern was expressed that such legislation was also being used to license nuclear activities without proper public participation under article 6 of the Convention. Poland was reportedly also considering adopting such a law.

46. It was stressed that access to all information relevant to decision-making should mean exactly that. Not just what was contained in the environmental impact assessment (EIA) report, but all relevant information, including on the proposed design, specifications, sponsors and safety. It was reported that for the Temelin project (Czech Republic) and the Pax Plant (Hungary), the public had been informed that reactors would be built and a possible capacity range—but not what kind of reactors or actual capacity. Access to safety information regarding those projects was also reportedly denied. It was said the failure to provide such information which was clearly relevant to the decision-making had prevented the public from participating fully in the process.

## **C. Early public participation when all options are open (regarding new build, decommissioning, radioactive waste management, etc.)**

47. It was observed that, while for activities outside the nuclear sector, good practice regarding “early public participation” might mean the EIA screening or scoping stage, this

was too late to ensure early public participation regarding a new nuclear power plant or reactor as by then the political decision to build a new facility was already made. To ensure early public participation, national legislation should clearly require public participation at all stages of decision-making on nuclear activities, including when national energy strategies and policies and nuclear-related legislation were adopted.

48. The point when “early public participation when all options are open” could take place might differ depending on whether the decision-making related to a new build, decommissioning or RWM. For a new build, the point when “all options were still open” might be when the government was considering whether to add to its nuclear generating capacity or deciding the country’s future energy mix. In contrast, for a contaminated site or a decommissioning, the site or facility would already be in existence, so the range of options would be narrower and necessarily relate to dealing with the site or facility.

49. Authorities should be transparent with the public about all of the options under consideration, not least so the public could immediately understand which options were not. This helped the public to focus its comments and also provided an opportunity to put forth new options that might not have been considered.

50. It was said that countries had very different political attitudes towards public participation. In some countries, decision-makers saw public participation as a serious threat, keeping opportunities for public participation to a procedural minimum. It was reported that in some Eastern European countries, the first opportunity the public might have to participate was after a governmental decree to construct a new nuclear power plant had already been issued. This meant “early public participation when all options were open” was not possible because the decree effectively closed off many options already. In contrast, experiences from some other countries showed a spirit of genuine cooperation, where public participation was seen by decision-makers as making a real contribution to the process.

51. A good practice to ensure that the public was involved at an early stage was to establish mechanisms for ongoing public engagement. France’s Local Information Commissions (CLIs) were established through legislation as ongoing multi-stakeholder bodies in various regions to provide input on nuclear issues.

52. Views were mixed about the merits of referendums on nuclear activities. The “yes/no” format did not necessarily mean the public had had the opportunity to review all relevant information and reach an informed view of the complex issues surrounding nuclear decision-making. In Sweden and Finland, the municipality in which a proposed new nuclear installation was to be located had a right of veto over the proposal. The right of veto, however, applied only to the particular municipality, and neighbouring municipalities, which in the case of an accident might also be affected, did not have such a right.

53. “When all options are open” should mean that the public could have an identifiable influence on the process, i.e. if the public had not taken part, would the final decision have been different? The public was often left with the impression they had little influence in nuclear-related decision-making.

54. It was suggested that, in order to underline the importance of the Convention’s obligation that public participation must occur when all options were still open, the Aarhus Convention Compliance Committee could, in cases where that had demonstrably not occurred, recommend to the Party concerned to revoke the decision permitting the activity and repeat the procedure with effective public participation.

## **D. Changes to or extensions of existing activities**

55. Experiences of public participation regarding various types of changes to or extensions of existing nuclear activities were discussed, including plant lifetime extensions (PLEX), changes of capacity, and long-term RWM.

### **1. Plant lifetime extensions**

56. It was stressed that PLEX decisions should be subject to full EIA with public participation and proper consideration of alternatives. It was reported that Ukrainian law had previously required PLEX decisions to go through the same procedures as for a new build, but the law had recently changed to bring such decisions entirely under the competence of the regulator. The resulting decisions were alleged to be deficient in several respects.

57. The following recommendations were made regarding PLEX generally:

(a) The European Nuclear Safety Regulators Group (ENSREG) should seek regulatory cooperation on public participation in key decisions, including PLEX;

(b) The Aarhus Convention should clearly signal that PLEX required public participation. Likewise, the Espoo Convention that PLEX required transboundary EIA. The EIA and public participation procedures should include proper consideration of alternatives to PLEX, including the zero option (i.e. the option of not proceeding with the activity at all); and

(c) Governments should ensure that the issue of PLEX was subject to public participation when the national energy strategy is developed.

### **2. Radioactive waste management**

58. It was said that the issues involved in long-term RWM were far more complex than those usually considered when deciding whether to construct a new nuclear power plant, though in fact they should be a part of the latter decision as well.

59. The recent public debate process about the high and intermediate level radioactive waste repository proposed to be built in Bure, France was discussed. The Bure facility was proposed to be constructed with “reversibility” for its first 100 years to enable future generations to retrieve the waste if more satisfactory ways to store highly radioactive materials were found. Meeting participants submitted that any decision to later seal the facility should be seen as a change requiring full public participation. Just because one part of an activity would not happen for a long time (e.g. the decision to seal the facility) it should not be left out of the current discussion because it was an essential part of the activity.

### **3. Changes in capacity**

60. The application of the Convention to projects that evolved or changed after the EIA (and public participation) had been completed was discussed, e.g. if it was subsequently decided to build a different model of reactor from the one originally proposed.

61. Even if the new reactor was of a smaller capacity, there should be a new EIA procedure with public participation based on its particular specifications. The new procedure should also include the zero-option among the alternatives upon which public input was sought.

## **E. Role of project developers in carrying out public participation**

62. It was reported that project developers in some countries had little regard for public participation. Sometimes this was due to a lack of clear requirements in national legislation but even where the legal requirements were in place, public participation might have little influence on the decisions taken.

63. Nuclear activities were increasingly being conducted through bilateral agreements between neighbouring countries (e.g. Russian Federation-Kazakhstan), which presented challenges to effective public participation under the Convention. In many countries, Aarhus Convention national focal points lacked sufficient power or resources for proper oversight of access to information and public participation in the nuclear domain and access to justice also faced many challenges, particularly in Central Asia. NGOs lacked the capacity, financial resources and government support to protect their environment rights. And courts, while theoretically independent, were often aligned with the government and developer.

64. Concerning the role of developers, it was recommended that:

(a) The Convention should develop guidance on public participation in the nuclear domain with a country-specific approach, including guidance on the role of the developer;

(b) Developers should ensure that the public has information at various levels of complexity to meet different needs (e.g. from simple, brochure-style to full technical detail) as the more information the public has, the less likely it will be mistrusting;

(c) The exceptions in article 4, paragraph 4 of the Convention, including those related to public security, commercial information and intellectual property rights, must be interpreted in a restrictive way, taking into account the public interest served by disclosure and whether the information relates to possible emissions into the environment;

(d) For nuclear projects subject to the Convention, developers should be required to organize at least one public hearing;

(e) If a nuclear project is to be financed by an international financial institution, the institution should require the developer to prove the Convention's requirements have been fully met. Independent experts should be appointed to monitor the conclusions of the EIA;

(f) When issuing findings and recommendations in cases of non-compliance, the Aarhus Convention Compliance Committee might develop different levels of recommendation (e.g. strongly recommended, recommended) and carry out monitoring, with the involvement of the public concerned, to measure how its recommendations have been followed in the particular case.

## **F. Arrangements for the participation of the public concerned from neighbouring or downstream countries**

65. A number of challenges concerning the participation of the public concerned from neighbouring or downstream countries in nuclear decision-making were reported, including:

(a) The public was often not duly notified or informed about proposed nuclear activities in neighbouring countries;

(b) EIA reports were superficial or lacked important information; for example, failing to properly consider alternatives (including the zero option) and the risks and

potential impacts of a severe accident. In some cases, EIA reports lacked key information relevant to the decision-making and to which the public should have access in order to participate effectively, e.g. the generating capacity of a proposed new reactor;

(c) Countries' practice differed regarding the translation of documents for affected countries. In some countries, no translation was provided; in others, only the technical summary of the EIA was translated; in others, the full EIA report was translated. The European Bank for Reconstruction and Development required the full environmental and social impact assessment to be translated into the language of the affected country;

(d) The government of the affected country often provided no mechanisms or assistance to its public to participate if the government chose not to participate in a transboundary EIA procedure. The public was then left to participate under the law of the country of origin which could present many obstacles, including language issues, distance and cost to travel to hearings;

(e) Proposed nuclear activities often received a very large number of comments from the public (e.g. the proposed Temelin 3 and 4 reactors (Czech Republic) approximately 50,000 comments; the proposed Mochovce 3 and 4 reactors (Slovakia) approximately 80,000 comments). This had major time and resource implications for the country of origin and the affected country as all would need to be processed and duly taken into account, and some would first need to be translated;

(f) Timeframes for the public from the affected countries to participate as well as for the public authorities to process and take due account of their participation were frequently too short;

(g) The complexity of a transboundary public participation procedure was often exacerbated by administrative cultures in affected countries and/or the country of origin that did not place importance on the public's input;

(h) Final decisions did not take due account of the comments of the public from the affected countries;

(i) No clear procedures existed for the public of the affected country to seek access to justice to challenge the decision taken in the country of origin.

66. Issues warranting further consideration included:

(a) How might the public of potentially affected countries be effectively informed?

(b) What arrangements might be possible to better facilitate smooth and effective participation by the public from affected countries?

(c) If the public concerned from the affected country wished to seek access to justice under article 9, paragraph 2, how should it do so in practice?

67. Participants' recommendations regarding arrangements for the participation of the public from affected countries included:

(a) The "polluter pays" principle should apply;

(b) Given the potential transboundary impacts, Parties to the Aarhus and/or Espoo Convention seeking to build a new nuclear facility should, as a good practice, inform all EU Member States and Parties to the Aarhus Convention;

(c) Information to the public should be disseminated in a "top down" manner (central government/federal governments/districts/cities/members of the public);

(d) The full EIA report should be translated into the official language of the affected country and preferably also in English;

- (e) Public hearings should be held in all affected countries;
- (f) Clear procedures should be agreed in advance between the country of origin and the countries potentially affected. Such agreements might be for the particular activity or preferably, continuing;
- (g) If the affected country participates in a transboundary nuclear EIA procedure, it should ensure effective opportunities for its own public to participate, e.g. by notifying the public of the proposed activity, making arrangements for the public to examine all information relevant to the decision-making, and forwarding to the country of origin all public comments received.

## **G. Taking due account of the outcomes of public participation**

68. Although clear procedures were a prerequisite for effective public participation, they were not a guarantee. Even where decision-makers were legally required to take the public's views into account, there might be little political will to do so, thus making public participation only a formality with little effect on the decisions taken.

69. It was reported that some countries, for example Belarus and Ukraine, had still to introduce clear requirements for effective public participation in national law. Some participants insisted that the public concerned should be entitled to have the decision-making halted or reversed if their rights under the Convention were violated. This provoked a discussion on whether the public should be given a right of veto, with arguments both for and against such right. Some felt that such a right might be easily abused in countries lacking democratic traditions or effective law-enforcement mechanisms.

70. Issues highlighted for further consideration included:

- (a) How to improve the capacity of public authorities, and particularly local authorities, to take due account of the public's input;
- (b) How to take due account of the public's comments when they were particularly numerous;
- (c) How to deal with opinions that appeared irrelevant or of inadequate quality (and who should determine that);
- (d) How to conduct efficient public participation on matters requiring significant technical expertise;
- (e) How best to provide feedback to participants regarding the outcomes of the consultation.

71. A good practice for authorities taking due account was to prepare a table containing all public comments submitted, together with whether they had been incorporated into the decision or not (e.g. the development of Ukraine's National Environmental Action Plan). The European Commission—in addition to its practice of preparing Green and White Papers, which included the taking of public opinion into consideration at an early stage of decision-making—also organized public consultations online and prepared a report summarizing comments submitted. To double-check the quality of the decision, a specific body in the Commission reviewed the consultation report.

72. Exchanges of national experiences between countries contributed to improved practices of public participation throughout the region. DG-ENER had proposed the possibility of establishing a knowledge centre on public participation in the energy sphere, whose goal might include the promotion of such exchanges. An Aarhus Convention task force on public participation in the nuclear sphere might also be considered, although it was noted that duplication of efforts between players in the field should be avoided.

73. Regarding the national level, it was said that NGOs and decision-makers in some countries should learn to communicate better. NGOs should build their expertise to provide high-quality inputs and demonstrate to decision-makers the benefits of taking the public's views into consideration. In return, other actors should increase their awareness of the Aarhus Convention, particularly its provisions on public participation.

## **V. Open consultation on the Aarhus Convention's draft recommendations on public participation in environmental decision-making**

74. Mr. Kearney provided an overview of the development of the draft recommendations on public participation in environmental decision-making being prepared under the auspices of the Task Force. Mr. Jendroska, the consultant assisting the Task Force with the drafting, presented a number of issues raised in the comments on the previous draft and invited participants to provide oral comments on the current draft. Participants were also invited to send written comments to the secretariat by 15 April 2013. All comments received would be considered during the preparation of the fourth draft of the recommendations, which was expected to be prepared in advance of the sixteenth session of the Working Group of the Parties to the Convention.

## **VI. Roundtable on transition strategies towards enhanced public information and participation in nuclear activities at national levels**

75. Mr. Delalonde, President, ANCCLI, chaired the session during which authorities, stakeholders and experts presented the most significant initiatives at the national level under the framework of the ACN Initiative. Several other European initiatives on public participation in nuclear activities were also presented.

### **A. France**

76. Mr. Nicolas Chantrenne, Ministry of Ecology, Sustainable Development and Energy (France), and Mr. Henri Revol, HCTISN (France), presented the outcomes of the French ACN national roundtable. An overview of France's policy on public participation in relation to nuclear activities was provided, as well as the objectives, composition and competences of the HCTISN, a high-level multi-stakeholder body for information, consultation and debate about the risks and impacts of nuclear activities that was established by France's 2006 Law on Transparency and Nuclear Safety.

77. The national roundtable had been jointly chaired by HCTISN and ANCCLI and involved approximately 100 participants, including civil society, public authorities, experts and operators. In early 2010, three working groups had been formed and began meeting in mid-2010. The first group, jointly led by ANCCLI and the HCTISN, considered the "process of selecting sites for low-level, long-lived radioactive wastes". The second group, jointly led by Greenpeace and the French Nuclear Safety Authority, considered "public access to information and participation in decision-making". The third group, jointly led by IRSN and ANCCLI examined "what competence building and access to expertise is needed to assure true participation?". The outcomes of their work, including proposals for the future, were discussed during a plenary session of the three groups on 10 February 2012. The discussions reflected the constructive spirit of the national roundtable process and the

working groups' conclusions were presented in a synthesis report to HCTISN's plenary session on 21 June 2012.<sup>11</sup>

## B. Hungary

78. Ms. Zsuzsanna Koritár, Energia Klub (Hungary), presented the outcomes of the Hungarian national roundtable. Even though democracy had strengthened since the 1990s, there was still no culture of real transparency, poor access to information, an even weaker level of public participation and no real dialogue. Access to information and public participation regarding the PAKS nuclear installation and the 2003 INES level 3 "serious incident" were cited as examples. She said that the ACN initiative formed part of a "new era" for access to information and public participation in Hungary.

79. The national roundtable had been organized and facilitated by the REC and four groups of stakeholders were represented: licensees/operators, regulators, civil society organizations and others. It had two stages:

- First, four working groups were established, each of nine members, to meet regularly to select topics to be considered and to work out position papers and draft protocols.
- Second, a national roundtable meeting was held, bringing together 22 members to evaluate and comment on the working group papers and take final decisions on the proposed protocols.

80. The main achievement of the ACN initiative in Hungary was the establishment of a protocol on access to information based on the work of civil society organizations. It had not, however, been possible to agree a similar protocol for public participation, which remained a "taboo" topic.

81. The national roundtable had had positive impacts. It had enabled a national dialogue to begin, critical issues to be identified and had brought about a slight but positive change in stakeholders' attitude towards access to information and public participation, all of which would benefit the future implementation of the Convention in Hungary.

## C. Bulgaria

82. Ms. Albena Simeonova, Foundation for Environment and Agriculture (Bulgaria), presented the results of the Bulgarian national roundtable. Two national roundtable meetings had been held. The first took place in Sofia, hosted by the Ministry of Environment and Water, on 18 October 2010. It brought together some 50 participants and enabled participants to share experience and information. It had started a dialogue between stakeholders and examination of the transparency of the national RWM strategy. The second roundtable had been held on 18 December 2012 in Kozloduy nuclear power plant. It had been attended by 60 participants and considered:

- (a) Implementation of the Aarhus Convention in the nuclear sector in Bulgaria, including the results of the "Public Information and Participation in Nuclear Activities" (PIPNA) study;
- (b) The EU stress tests and the stress-test of Kozloduy nuclear power plant; and

<sup>11</sup> Available from [http://www.ancli.fr/content/download/2991/42456/rapport\\_final\\_acn\\_france-1.pdf](http://www.ancli.fr/content/download/2991/42456/rapport_final_acn_france-1.pdf) (in French) and [http://www.ancli.fr/content/download/2992/42460/file/english\\_version\\_acn\\_france.pdf](http://www.ancli.fr/content/download/2992/42460/file/english_version_acn_france.pdf) (in English).

(c) Access to information and public participation on spent fuel and RWM in Bulgaria, including existing RWM facilities and future storage sites.

83. The possible development of a local partnership approach for the RWM siting process had been discussed and had received significant interest from local authorities, but was not supported by nuclear authorities.

84. Positive slight changes of attitudes had, however, been noted as a result of the roundtable. For example, NGOs were able to demonstrate they had solid technical expertise and had been able to enter discussions on nuclear safety without prejudice to their position on nuclear energy. For the future, it was hoped that the national roundtable initiative would continue (under the umbrella of the ACN initiative, if possible). Further international exchanges of experience would feed positively into the ongoing national roundtable process.

#### **D. Ukraine**

85. Ms. Zoriana Mishchuk, Mama-86 (Ukraine) presented the outcomes of Ukraine's ACN national roundtable and an overview of access to information and public participation in Ukraine's nuclear sector. A first national roundtable had been held in Kiev in 2010 and a regional ACN roundtable in Kirovohrad in 2012. A second national roundtable entitled "Towards Nuclear and Radiation Safety through Multi-Stakeholder Dialogue" was held in Kiev in early 2013, and organized by MAMA-86 in partnership with the State Nuclear Regulatory Inspectorate of Ukraine (SNRIU) and with the support of the Swiss Embassy in Ukraine. It brought together 85 participants, including various stakeholders and considered the state of nuclear safety in Ukraine and globally and the implementation of the Aarhus and Espoo Conventions.

86. Recent challenges to effective access to information and public participation in decision-making in the Ukrainian nuclear sector included:

(a) The revision of the national energy strategy (to apply until 2030) that had been developed without effective public participation or state environmental expertise;

(b) The decision to construct two blocks of the Khmelnytsky Nuclear Power Plant, alleged to be taken in violation of the Aarhus and Espoo Convention;

(c) The granting of life-time extension authorisations extending nuclear power plant blocks soon to expire until 2020;

(d) More generally, authorities and operators were largely closed to the idea of public dialogue. Public consultations did take place but mostly formally, without due account of the public's opinion. Stakeholders had extremely polarized views (NGOs versus operators and regulators) and dialogue was difficult.

87. Two positive developments regarding access to information and public participation in Ukraine were noted:

(a) Improvements in the provision of information by the regulator (e.g. publication of an annual report on nuclear and radiation safety and regular information on the website);

(b) The SNRIU's establishment of a Public Council, a new multi-stakeholder consultative body at the national level. Initial signs were that it would be a useful way to obtain information, although its influence on decision-making remained unclear.

88. For the future, international pressure would be important if Ukraine was to make progress in this area. It was suggested to create an ACN task force composed of stakeholders who had taken part in previous ACN roundtables. This task force might

monitor progress in Ukraine's legislation and implementation of the Aarhus Convention, contribute to the European ACN process and liaise with European counterparts.

## **E. Slovenia**

89. Ms. Nadja Železnik, Director of the Country Office of the Regional Environmental Center for Central and Eastern Europe (REC), Slovenia, presented the public participation procedure regarding Slovenia's low and intermediate level waste (LILW) repository site selection process. The national agency for RWM, ARAO, had started the site selection process in 1997. Local partnerships were organized in two local communities (Krško and Brežice). The site and repository type were confirmed by the Krško municipality in 2009, but the Brežice municipality refused the proposed location. Nevertheless, both local partnerships were disbanded, resulting in strong public protest. New mechanisms for public participation were promised by ARAO, but to date had not been established.

90. In May 2010, GLOBE Slovenia had organized a conference on the EIA and public participation procedures for the LILW site selection process, including the implementation of the Aarhus Convention. The conference was attended by more than 70 participants. Animated discussions revealed two opposing viewpoints among stakeholders. ARAO and national and local authorities considered the process had been fair and had built trust between stakeholders. In contrast, local citizens and NGOs considered many issues remained unresolved and that the implementation of the Convention was problematic, especially regarding access to justice. They considered it essential to continue some form of local partnership to enable on-going public involvement.

91. Ms. Železnik concluded that local partnerships should be thoroughly assessed and evaluated and a long-term plan for public participation in the different stages of LILW repository development prepared. She noted that GLOBE had agreed to monitor public participation in the repository project on an annual basis but to date, had not done so.

## **F. Project on “Implementing Public Participation Approaches in Radioactive Waste Disposal” in the Czech Republic, Slovakia, Poland, Slovenia, Romania**

92. Mr. Kjell Andersson, Karita Research AB (Sweden), presented the “Implementing Public Participation Approaches in Radioactive Waste Disposal” (IPPA) project. Conditions for effective public participation had been reviewed and opportunities for improvements had been identified in the five countries taking part in the project.<sup>12</sup> Available experience demonstrated that through introducing and institutionalizing new models for stakeholder involvement linked to the political and legal systems, access to information and public participation in nuclear waste management programmes could be improved and the quality of decision-making enhanced, even where the situation seemed to be in stalemate.

93. One challenge the project encountered was that “safe spaces” for stakeholder dialogue were not always considered sufficiently safe, in the particular context, by all actors. For example, in Sweden, regulators did not take part; in Poland, more NGO involvement would have been preferable; and in Slovakia, the operator did not participate. It was important that the independence and autonomy of the different stakeholders was respected; otherwise they would not take part in the process. While many processes and

<sup>12</sup> Deliverables from the IPPA Project are available from [www.ippaproject.eu](http://www.ippaproject.eu)

tools for participation existed, as well as the means to evaluate them, there was still a lack of overview and systematic support. In conclusion, public participation was essential, but must be clearly defined in the legal and political decision-making procedures.

## VII. Priorities for future work

94. The final session panel, which was chaired by Mr. Delalonde, included senior representatives from international and regional organizations, technical support organizations, NGOs and other prominent experts in the nuclear domain. Panellists were invited to share their organizations' priorities for future work to promote public participation in nuclear-related decision-making.

95. Mr. Richard Adams, a member of EESC, said that a huge amount of experience and knowledge had been accumulated across Europe and that the question now was how to disseminate that knowledge and apply it in practice. This would require adequate financing and the removal of the remaining barriers, including legal barriers, resistance from the private sector, and a lack of public awareness of nuclear-related issues.

96. He said that issues of safety, security and public involvement were also relevant to decisions regarding other energy sources. For this reason, EESC would promote a future "European Energy Dialogue" to explore issues in nuclear energy as well as other energy sources and to encourage greater public involvement as a form of participative democracy.

97. To create more trust and confidence, the dialogue should be seen to be independent of the EU institutions. The ACN process should form part of the dialogue and EESC would like to continue its involvement in that process, notably through supporting specific initiatives in EU Member States.

98. He said that the fact that decisions on the energy mix were under the competence of each Member State should not entitle some Member States to permanently fall behind on access to information, public participation and access to justice. Effective peer pressure had a role to play in changing attitudes. The ACN process, alongside its many other tangible achievements, had played a big part in making transparency a social and political necessity.

99. Mr. Jean-Jacques Dumont, Commissioner of the French Nuclear Safety Authority (ASN) shared his view for the future of the ACN process. Transparency was an important value for ASN. The implementation of France's Nuclear Transparency and Safety Law had strengthened access to information and public participation in the nuclear field—many of its provisions went beyond the requirements of EU directives implementing the Aarhus Convention. The Law allowed the public to be consulted at all stages of a nuclear facility and also provided the right to access safety information directly from both the operator and the public authorities. It had also established participatory bodies: at the national level, the HCTISN and at the level of nuclear facilities, legal recognition to Local Committees of Information (CLI).

100. Nevertheless, the possibility of accessing information was not sufficiently used by the public and mechanisms for public engagement were not doing enough to mobilize participation. Seeking to improve this situation, ASN had co-chaired a working group on these issues as part of the French ACN roundtable. The working group's outcomes had stressed the importance of building mutual trust among stakeholders through ongoing cooperative work in a long-term sustainable process. The report of the French ACN roundtable included concrete recommendations that ASN was willing to examine. The ACN process had also enabled fruitful discussions between EU Member States and, subject to its mandate being renewed, ASN would support its future continuation.

101. Mr. Jan Haverkamp, Greenpeace, observed that the ACN initiative had enabled international and national NGOs to come together to develop an active discourse on the Convention's implementation in the nuclear sector. The roundtables, and the nuclear construction projects, nuclear waste programmes and emergency response discussed at them, had highlighted a number of procedural shortcomings in the Convention's implementation. Those included challenges related to rights of standing, transboundary access to information and public participation, a failure to provide early participation when all options were open, insufficient time frames for the public to give its input and the formats of public hearings and debates.

102. He said that awareness of these procedural challenges was growing nonetheless, and to this end, the ACN roundtables had increased awareness among authorities of the need for good procedures and had inspired the public to seek recourse where the procedures were inadequate. However, while progress had been made from a procedural perspective, there was still far to go to ensure the quality of what was provided by those procedures, namely, to ensure the adequacy of the information and the effectiveness of the public participation on the decisions taken.

103. He said the Convention was a powerful tool to prevent the repetition of past mistakes and to achieve a more sustainable future; but its implementation was still in its initial phases. Only if everyone involved took the fundamental principles of the Convention to heart and genuinely implemented them would it be possible to bring the risk of future accidents like Fukushima back to acceptable levels.

104. Mr. Roger Garbil, European Commission Directorate-General Research and Innovation, reported on the Symposium "Benefits and limitations of nuclear fission for a low carbon economy" (Brussels, 26-27 February 2013) which had included approximately 350 participants from industry, government and the public sector, scientists and civil society.

105. The symposium considered research needs for a sustainable, secure, reliable and competitive energy mix, including nuclear fission, and aimed to strengthen links between science, civil society, industry and policymakers in order to maintain focus on increased safety, risk-mitigation, safeguards and security. It had noted that European nuclear fission research should be seen as a joint enterprise between these stakeholders, and this view should steer research associations and technology platforms' interaction with the public. He said that after the Fukushima nuclear accident, future Euratom research should not be "business as usual" but rather oriented towards safety, risk-mitigation, safeguards and security, as well as waste management and decommissioning.

106. Mr. Jacques Repussard, Director General of IRSN, expressed the hope that the ACN Initiative would continue. IRSN was willing to continue its financial and other support for the process. The vigilance of civil society was not an accessory function but an essential component for nuclear safety in a democratic context and competitive economy. Greater public awareness had several benefits. First, it gave meaning to principles of transparency and access to information and it motivated civil society actors that were often volunteers. Secondly, the concept of "citizen watch" involving monitoring and warning from independent observers was an essential element for any system of risk governance to succeed in the long term.

107. He said that public vigilance should not be limited by borders; it should contribute to harmonization of nuclear safety based on best practices in Europe. For these reasons, the EU should fully integrate these principles in its various institutional instruments. The revision of the EU Directive on Nuclear Safety was a great opportunity to show that the EU was not a technocratic bureaucracy far removed from its citizens. Likewise, EURATOM research and its future "Horizon 2020" programme were opportunities to not only consider future nuclear safety but also to ensure that future technologies met the public's

expectations. EU's foreign policy and the new Instrument for Nuclear Safety Cooperation could contribute to nuclear safety at the EU's borders by inviting neighbouring countries to work together with it to promote public participation in strengthening nuclear safety.

108. A statement was read on behalf of Ms. Michele Rivasi MEP who was unable to attend. Even though nuclear safety was an issue under national competence of EU Member States, since the Fukushima disaster the issue had been debated in the European Parliament. The EU stress test exercise had been a sign of progress but public participation in the process had been insufficient and only a few countries had continued to the end of the exercise.

109. On the issue of transboundary nuclear safety, Ms. Rivasi said that the safety of people living across the border from nuclear facilities should be considered as an EU-level issue. She suggested that the European Commission conduct, with the support of ENSREG, a study on transboundary nuclear safety, with recommendations to be made by the end of 2013. Civil society vigilance was the best way to ensure nuclear safety, and thus access to information must be guaranteed.

110. In 2012, she had worked alongside ANCCLI to gather MEPs wishing to increase nuclear transparency through the direct participation of civil society. This had culminated in a meeting in December 2012 held at the European Parliament and the signing by a dozen MEPs from different countries of an appeal for a "Nuclear Transparency Watch" that would be shortly circulated to all MEPs. MEPs involved were currently seeking institutional funding to support the launch of the "Nuclear Transparency Watch" initiative.

111. Mr. Sucha, Deputy Director-General of the Joint Research Centre, said that participatory democracy was a core value of the EU and that public participation was part of the European Commission's legislative obligations. The Joint Research Centre was planning to undertake research on how to further involve the public in its work and in policy-making. It was also designing an open access knowledge database to provide a centralized source of good practices and experiences.

112. Ms Nadja Železnik, Director of the REC Country Office in Slovenia, said that a long-term process with proper resources was needed to ensure effective public participation in the nuclear domain. The REC network could be used to assist effective public participation across the eastern regions of Europe.

113. REC supported ANCCLI's proposal strategy for the follow-up to the ACN initiative. In particular, the continuation of a systematic dialogue with concerned stakeholders on a long term and on-going basis at both national and EU levels as a way to sustain nuclear safety, without prejudice to the position of different actors towards nuclear activities. Adequate resources for strengthening public participation in the nuclear sector, including for the next stage of the ACN initiative, should be provided by EU institutions.

## **VIII. Closing remarks by the joint Chairs**

114. Led by Mr. Wolfgang Hilden, Head of Governance, DG-ENER, the joint Chairs of the meeting provided their closing remarks.

115. Mr. Kearney thanked all participants for their hard work throughout the meeting, which was to be the last held under the Aarhus Convention's Task Force on Public Participation in Decision-making in the period 2011-2014. The Task Force's future mandate would be decided at the fifth Meeting of the Parties to the Aarhus Convention to be held in June 2014. Joint events such as the current meeting provided important opportunities to share experiences and build synergies and he would propose that the Task

Force's next mandate include the possibility of further joint events. He thanked DG-ENER and ANCCLI for their constructive partnership in organizing the meeting.

116. Mr. Delalonde remarked upon the common will expressed by participants towards ensuring a high level of nuclear safety in Europe and improving access to information and public participation to this end. Much remained to be done, nonetheless, before the systematic contribution of civil society to the safety of European nuclear power plants would become a reality. The ACN process had highlighted the need for fair dialogue between civil society and institutional stakeholders (regulators, experts and operators) at the national and European level as well as the benefits of coordinated European and national action.

117. He said the common will to improve and maintain nuclear safety in Europe was a powerful motivator that could bring together all stakeholders, without prejudicing their own position towards nuclear energy. He appreciated the support expressed by meeting participants to a continuation of the ACN process at both the EU and national levels beyond March 2013. Likewise, the support for the next phase of the ACN initiative expressed by a number of European institutions including DG-ENER, Directorate General Research and Innovation, the Joint Research Centre and the EESC.

118. He stressed the importance for European civil society to network at the European level in order to support their work at the national and EU level, a view shared by those MEPs behind the December 2012 call for "Nuclear Transparency Watch". He thanked DG-ENER and the Aarhus Convention for their cooperation in organizing the meeting as well as ASN and IRSN for their ongoing support of the ACN initiative, including its possible future activities.

119. Mr. Wolfgang Hilden observed that the meeting had shown that considerable knowledge existed about the general requirements for effective access to information and public participation. However, given countries' diverse situations, tailor-made solutions at national level were required. It was therefore important to strengthen support for national initiatives, such as national roundtables. International participation at national initiatives could help to enhance public understanding on the state of the art and to strengthen national actors. This support might be embedded through a network with a coordinating body such as the ACN initiative. DG-ENER was prepared to facilitate this process and looked forward to the discussions on the way ahead. He expressed hope that a way might be found to convince all national actors, including government and industry, about the benefits of public involvement for creating trust and achieving increased safety in the nuclear domain, without the need to resort to the enforcement measures provided through the EU Directives and the Aarhus Convention.

120. Closing the meeting, he thanked all present for their contributions to the success of the meeting, and the Aarhus Convention secretariat, ANCCLI and the DG-ENER for their work in organizing the event.

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