



FOSTERING NUCLEAR SAFETY IN EUROPE THROUGH PUBLIC INFORMATION AND PARTICIPATION: Utility, Conditions and Means

A Strategic Reflection on the "Aarhus Convention & Nuclear" Process (2008-13)

SUMMARY of a WORKING PAPER circulated by ANCCLI in preparation of the conference on PUBLIC PARTICIPATION IN DECISION MAKING IN THE NUCLEAR DOMAIN, Luxembourg, 12-13 March 2013

The participative **Aarhus Convention & Nuclear (ACN)** process was initiated in 2008 by ANCCLI and the Directorate-General for Energy of the European Commission (DG- ENER-EC) in cooperation with the ENEF (European Nuclear Forum). ACN assessed the concrete implementation in the nuclear domain of the rights guaranteed by the Aarhus Convention. Round Tables were conducted at both national and European levels in partnership with a broad range of stakeholders: institutional actors (regulators, operators, and experts), elected officials, and civil society organisations involved in the daily monitoring of civil nuclear activities. Together they identified not only challenges and obstacles, but also innovative ways to develop public information and participation in this field. Overall, the process showed that civil society can and must contribute to nuclear safety vigilance.

The ACN process will end in March 2013. Which lessons and perspectives emerge from this initiative?

Diverse nuclear power situations in Europe with a common issue, safety vigilance

Nuclear electric generation, regardless of the opinion that one may have on the place it should occupy in the energy mix, is a technological activity that requires a very high level of safety surveillance. Safety assurance involves extremely demanding conditions (financial, technical, social, political and legal). Those conditions can be subjected to disturbance at any time and require constant surveillance, given the catastrophic potential of nuclear activities. As the energy landscape in European Member States evolves, so too evolve these underlying conditions, and vigilance may be relaxed or altered.

Nuclear accidents do not respect borders. The possibility of a nuclear accident in the EU or in neighbouring countries cannot be excluded and consequences will not be limited to the State in which an accident takes place. This trans-national dimension has led to enhanced European cooperation on both an institutional and a nongovernmental basis. Whatever the future of nuclear power in the EU Member States and the energy supply choices that will be made, vigilance on nuclear safety remains a strong issue for the future of Europe.

The contribution of civil society to nuclear safety is a necessity

Nuclear safety is a national responsibility in the EU. The existence of an institutional and regulatory framework is necessary but it is also insufficient: the "*manmade disaster*" of Fukushima provides proof of the need to maintain societal vigilance on the safety of nuclear activities, beyond formal and legal arrangements. In this way, nuclear safety relies upon not only the high commitment of operators and regulators, but also an effective commitment by the surrounding civil society.

Moreover, the vigilance of civil society may increasingly be needed at European level, with the rise of the influence of the European institutions in regulating nuclear activities. Directives have recently been issued by the European Council on nuclear safety and on radioactive waste management, with specific

requirements notably on transparency. At the end of the day, civil society is best suited to evaluate whether those requirements are effectively implemented.

Main lessons of the Aarhus Convention & Nuclear (ACN) process: *Civil society effectively contributes to nuclear safety as soon as proper conditions are met*

Confirming the value of the first pillar of the Aarhus Convention, ACN showed that the effective access of the public to information and to reliable expertise on nuclear safety is an essential condition for the vigilance of civil society.

In regard to the right to participation, ACN revealed that when some basic needs are met, civil society organizations (and the local and national structures in which they participate) quickly develop competence in independent monitoring, complementary to institutional expertise. To draw the benefits of their contribution, this potential must be recognized, encouraged and supported by public authorities. As an example, Local Information Commissions (CLIs) have monitored French nuclear site operations for over 30 years. The contribution to safety surveillance by the CLIs and their national federation ANCCLI is now recognized by French law, which provides the resources needed to run these activities.

ACN showed too that the actors of civil society contribute to improving the decision-making process when they raise issues that were not yet identified or make suggestions to reinforce the quality of decisions in the nuclear domain. An example was found in the public participation in the post-Fukushima stress tests conducted at the request of the European Council. Civil society participants drew attention to problems that were not included in the original terms of reference, thereby allowing them to be tested.

Finally, the ACN process has shown there is still a long way to go to develop the systematic contribution of civil society to the safety of European nuclear facilities. Feedback from the national Round Tables revealed a vast gap between Member States in the exercise allowed of Aarhus rights and in the will to explore and support the contributions that non-institutional actors can make. Creating the conditions and means to enable citizens to effectively contribute to the vigilance on nuclear activities at national and European levels remains an ambitious but essential goal.

To support a transition to strengthened public participation in the nuclear sector

The European Commission recognizes that information and public participation in the nuclear sector remain insufficiently developed in the EU. There is a need, thus, for processes and vehicles that can support continuing integration of these democratic rights in each national context.

The Aarhus Convention provides a framework for secure and unambiguous dialogue around the common goal of enhancing the quality of decisions on nuclear safety. This international treaty can support the building of a dialogue between the institutional stakeholders and civil society, without prejudice to the position of each participant regarding nuclear energy. As ACN showed, the common will to improve and maintain safety in Europe is a powerful motive that brings together actors.

The existence of a European approach too is seen to play an important role in enabling the emergence of dialogue at national level. It promotes the benchmarking of innovative national practices, and offers a forum for their pluralistic assessment at the international level.

To strengthen public information and participation in the nuclear field, and ultimately nuclear safety through societal vigilance, the ACN process highlights the need to maintain and develop areas of fair dialogue between the institutional stakeholders (regulators, experts, operators) and civil society, at European level and in the concerned countries.

In this perspective, the *continuation of the ACN process (ACN 2)* is suggested for a period of 5 years in the frame of a renewed partnership, to be discussed in Luxembourg on 12-13 March.