





# Experience and Expectations of a Stakeholder's – an Environmental NGO's – Point of View on a Decommissioning in Sweden

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#### The presentation

- Background of MKG and NTW
- The importance of transparency (public information and participation) in nuclear decision-making
- The experience in Sweden on public information and participation in the nuclear field
- Examples of NGO input into decommissioning consultations in Sweden

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#### Background – MKG / NTW

- The Swedish NGO Office for Nuclear Waste Review, MKG, was founded in 2004 and works specifically with nuclear waste issues for the largest Swedish environmental organisation, the Swedish Society for Nature Conservation.
- MKG receives funding from the Swedish Nuclear Waste Fund to participate in legal proceedings (consultation and license review) regarding the proposed Swedish repository for spent nuclear fuel near the Forsmark nuclear power plant. (<a href="http://www.mkg.se">http://www.mkg.se</a>)
- Nuclear Transparency Watch, NTW, was established in December 2012 to promote [European] transparency in nuclear issues and increase the contribution of civil society in the governance of nuclear activities.

(http://www.nuclear-transparency-watch.eu)



# Importance of transparency (public information and participation)

- Better engagement of civil society
- Improved quality of decision-making processes
- Higher safety of implemented management and disposal
- Better chances for "acceptance":
  - Early initialisation of public participation
  - The input is seriously taken due account of
  - A real possibility to influence decision-making including legislation to allow access to justice
  - Importance of availability of enduring resources for participation (local communities and NGOs)



#### **Aarhus Convention**

- The "Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters" was adopted within UNECE in Aarhus in 1998 and entered into force in 2001. All EU countries and the European Union (except Euratom) are parties and are implementing the convention on national and EU levels.
- Three pillars:
  - Access to information
  - 2. Access to public participation in decision-making
  - 3. Access to justice
  - The Compliance Committee
  - Implementation Guide (2013) and Maastricht Recommendations (2014)



#### **EU Radioactive Waste Directive**

- 2011 European Union Radioactive Waste Directive (Council Directive 2011/70/EURATOM) "establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste".
- First "National Programme" and report were submitted by the European Union member states to the European Commission in late August 2015
- Article 10 of the directive is on "Transparency"



#### Radioactive Waste Directive Article 10

#### Article 10, entitled "Transparency"

- 1. Member States shall ensure that necessary information on the management of spent fuel and radioactive waste be made available to workers and the general public. This obligation includes ensuring that the competent regulatory authority informs the public in the fields of its competence. Information shall be made available to the public in accordance with national legislation and international obligations, provided that this does not jeopardise other interests such as, inter alia, security, recognised in national legislation or international obligations.
- 2. Member States shall ensure that the public be given the necessary opportunities to participate effectively in the decision-making process regarding spent fuel and radioactive waste management in accordance with national legislation and international obligations."

kärnavfallsgranskning

#### EU commission review and moving forward

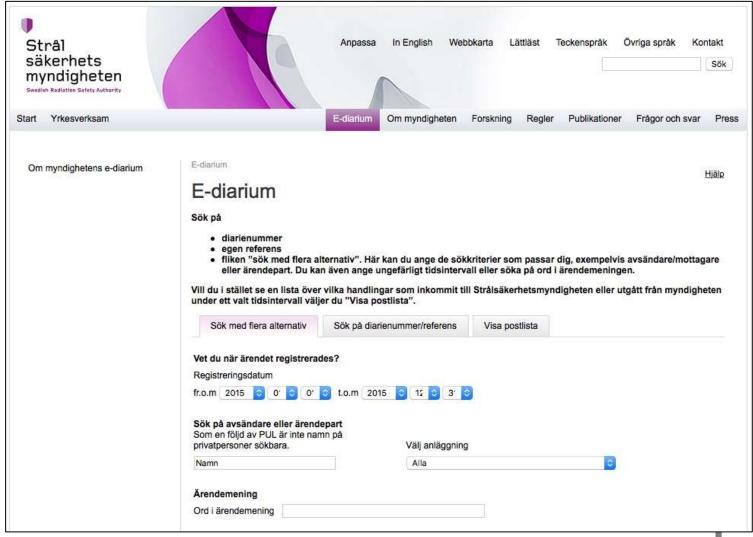
- The EU Commission is presently reviewing the first "National Programmes" and reports for the directive.
- The EU Commission is developing its thinking on how to evaluate the member states' implementation Article 10 on transparency (public information and participation).
- Tender for an advisory report and plans for roundtables.



#### Nuclear transparency: The case of Sweden

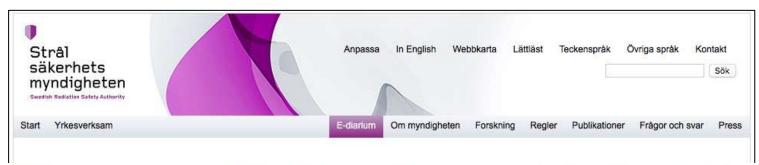
- The legal framework of the freedom of information of public documents is part of the Swedish Constitution and dates back to the second half of the 18<sup>th</sup> century. Access to justice is also implemented denial of access to documents can be appealed in the court system.
- The Aarhus Convention was implemented in the new Environmental Act (1998) consultation in developing environmental assessment document, taking into due account of input, access to justice, special importance of environmental NGOs.
- Principles of Environmental Act have been added to Nuclear Activities Act and Radiation Protection Act.
- Resources to NGOs from nuclear waste fund since 2005.

## **Example: Access to Information (1)**



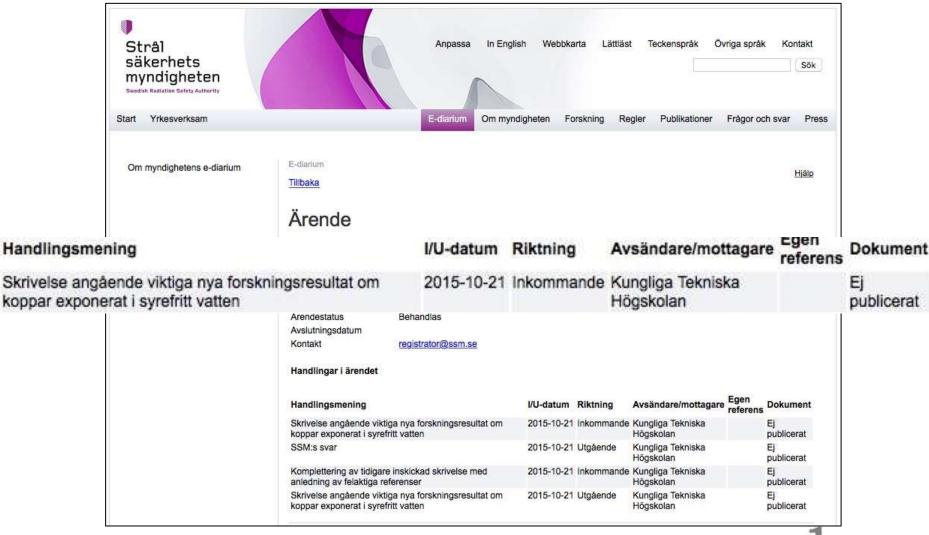


## **Example: Access to Information (2)**



Handlingsrubrik		Registreringsdati	um	Riktnin	g .	Avsändare/mot	tagare	Ingår i ärende	ref
Svar på Fråga om höga elektromagn fält från tv-datorer	netiska :	2015-10-27		Utgåend	de			SSM2015-4664	
Exporttillstånd		2015-10-27		Utgående		Westinghouse Electric Sweden AB Utrikesdepartementet Utenrikesdepartementet		SSM2015-4627	
Bekräftelse på avregistrering samt nyregistrering	2015-10-27		Utgående			Sveriges Lantbruksuniven (SLU)	sitet	SSM2015-4750	
Komplettering		2015-10-27		Inkomm	ande	nkt cables AB		SSM2015-3955	
	Svar på Frå	iga om höga elektromagnetiska Jatorer	2015-	10-27	Utgåend	)	SSM2015-4	664	
	Exporttilistà		2015-	10-27	Utgåend	Westinghouse Electric Sweden AB Utrikesdepartementet Utenrikesdepartemente	SSM2015-4	627	
	Bekräftelse nyregistreri	på avregistrering samt ng	2015-	10-27	Utgåend	Sveriges Lantbruksuniversitet (SLU)	SSM2015-4	750	
	Kompletteri	nplettering		15-10-27 In		kommande nkt cables AB		SSM2015-3955	
	Godkännan	de av överlåtelse	2015-	10-27	Utgåend	e Westinghouse Electric	SSM2015-4	626	

# **Example: Access to Information (3)**





## **Example: Access to Information (4)**





## **Example: Public participation**

- The Swedish nuclear waste company SKB has developed the KBS method for final disposal of spent nuclear fuel since the mid-1970s.
- Consultation process started in early 2000s in preparation for an environmental impact statement in a license application.
  Communities, authorities, NGOs, academia and others take part with comments.
- Consultation process finalized in 2010. License application in March 2011.
- License application is under review (regulator and environmental court). Considerable requests for opinions from communities, authorities, NGOs.
- Environmental court will rule on whether the environmental impact statement deals with issues raised in consultation



# Examples of NGO input into decommissioning consultations in Sweden

- Use of best-available technology
- Importance of waste minimization
- Importance of resource management (recycling of materials)
- Questioning of the unrestricted use of "free release" of very low-level radioactive waste from decommissioning – for example "free release steel" should only be used for canisters for radioactive waste
- The decommissioning should produce waste packages allowing flexibility for final disposal options

kärnavfallsgranskning



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