

A synthesis of Civil Society expectations vis-à-vis EP&R

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The context for EP&R work of NTW

- Major differences in the responses of European countries to the Chernobyl accident in April 1986, cooperation between MS started but with limited success.
- At the occasion of the stress tests after Fukushima accident, civil society organisations (e.g. Greenpeace) pointed out the need to assess the off-site EP&R.
- Investigation of EP&R arrangements performed by civil society (CS) pointed out many deficiencies:
 - EP&R plans are outdated, inadequate and not realistic, heterogeneous among MS
 - The environment (societal and spatial) around NPPs has changed drastically,
 - The modern societies have changed therefore the communication practices are now different.
- The need for interaction with civil society and stakeholders is also recognised in BSS directive:
 - EP&R is multi-stakeholder issue,
 - CS has a key role to play, also as a catalyst for discussion.

The legal frame for the CS in EP&R-1

- Aarhus Convention (1997):
 - Art 5.1.c: ‘In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, **all information** which could enable the public to take measures to prevent or mitigate harm arising from the threat’...’**is disseminated immediately** and without delay ...’.
 - **Stakeholder** -“The public concerned” **means the public affected or likely to be affected by, or having an interest** in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest. – Civil society and organisation – CSO.
- BSS Directive (2013):
 - Art 70 and 71 with ann. XII: **information to the members of the public** likely to be affected or actually affected in the event of an emergency: basic facts about impacts of radioactivity, the emergency consequences, EP&R measures and actions: **info must be available, updated and distributed at regular intervals.**
 - Art 97 with ann. XI: emergency management system shall **include public information arrangements and involvement of stakeholders,**
 - Art. 98 with ann. XII: **EP&R plans established in advance, tested, revised and improved.** Shall include also elements from art.97.

The legal frame for the CS in EP&R - 2

- BSS Directive (cont):
 - Art 102: **information on implementation of strategy on existing exposure** situation shall be given to population with guidance for management of exposure.
- EU Council conclusions on EP&R:
 - **STRESSING the benefits of involving civil society in preparedness activities**, in particular when organizing nuclear and radiological emergency **exercises** to increase transparency and public participation, and to improve public confidence in the arrangements,
 - **INVITES the Commission to organise workshops** to facilitate the consistent transposition and implementation of BSS directive aiming at developing a coherent approach to EP&R provisionsfocusing also **on emergency response arrangements and information to the public and report to the Council on the progress** with the implementation of those provisions.
- **The information arrangements, public participation and multi-stakeholder involvement** in developing EP&R is now a **legal requirement and a obligation of the MS.**

The big question is HOW TO DO IT?

NTW experience on possible ways for EP&R stakeholder involvement

- Identifying the stakeholders:
 - Official representatives defined in the national system,
 - But also citizens, civil society organisations and NGOs, together with the private sector (professionals, industry, retail, etc)
- Multi-stakeholder discussion organised by civil society organisation including various stakeholders:
 - National round tables with different players (civil protection authorities, nuclear regulatory bodies, municipalities, citizens) – identifying challenges and discussion possible solutions,
 - Transboundary round tables during 2013-2015 in several countries,
 - EU round tables in the context of Aarhus convention and nuclear where broader issues can be discussed.
- Working on the process to bring all stakeholders and to serve a catalyst for all involved players.
- Performing surveys and analyses of the real situation, developing the communication and ensuring stakeholder involvement in plans.

Advantages of a multi-stakeholder involvement

- An effective implementation of the BSS requires the involvement of all stakeholders, and thus the civil society.
 - The involvement of civil society brings many advantages:
 - **Expert advice and analysis.** CSOs can give access to competing ideas from outside the normal official channels
 - **Information collection and dissemination.** CSOs can give ideas about the real situation around NPPs and local communication.
 - **Mobilization of public opinion and building trust.** CSOs can influence the public through campaigns and broad outreach and can make information about EP&R arrangements widely accessible.
 - **Representation of the voiceless.** CSOs can help vocalize the interests of persons not well-represented and the most affected.
 - **Legitimization of decision-making mechanisms.** CSOs could broaden the base of information for decision-making, improving the quality, authoritativeness, and legitimacy of EP&R arrangements.
- => By playing a mediating role between different players, the civil society is a good catalyst for change and improvement.

Expectations of civil society for BSS directive on EP&R arrangements

- BSS directive should be implemented effectively and not just “formally”,
- CSOs should be actively involved – by giving them the role in the EP&R in planning, testing and improving the provisions,
- CSOs should be involved already now with the process on how to effectively realise and transpose the requirements of the BSS directive in national systems,
- Multi-stakeholders discussion need to be held with the support of the EC in parallel to other activities,
- Sufficient level of devolution for all emergency management system phases (planning, testing, revision, improvement) shall be promoted - including the creation of capacities for protection and monitoring,
- Civil society must be supported by adequate resources to fulfil its missions.

Applying the lessons of Fukushima in the context of the implementation of the BSS Directive - 1

- NTW position paper issued in December 2015: <http://www.nuclear-transparency-watch.eu/activities/nuclear-emergency-preparedness-and-response/1962.html>
- 3 areas for further action to be taken by EC:
 - 1) The need for multi-stakeholder assessment of the existing situation:
 - „ENCO“ study very optimistic
 - The assessment should be done by many players to draw realistic picture
 - NTW with members did the first investigation across EU and nationally
 - Need to have country by country analyses and lessons to taken with BSS requirements implementation

Applying the lessons of Fukushima in the context of the implementation of the BSS Directive - 2

- 3 areas for further action to be taken by EC:
 - 2) Formal or effective and qualitative transposition:
 - The intension is to have effective transposition of requirements,
 - The need for clarification and for drawing the criteria to qualify transposition,
 - Engaging multi-stakeholder debates on those criteria is essential in order to agree,
 - CS could serve as catalyst.
 - 3) Further investigation with regard to civil society:
 - Current surveys (2016) showed that authorities see the necessity to initiate new EP&R plans with involvement of stakeholders.
 - How to engage stakeholders in the preparedness (nationally, trans-boundary, internationally)?
 - Clear guidelines should be established and tested at EU, national and trans-boundary levels.

Conclusions

- Effective improvement of EP&R provisions is expected as a result of BSS implementation:
 - 1) further refining the picture of the current challenges for EP&R country by country in Europe,
 - 2) establishing the criteria for an effective and qualitative transposition in a participatory way, and
 - 3) defining, testing and implementing stakeholder engagement methods and processes.

Thank you for your attention !



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