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NTW 
NUCLEAR TRANSPARENCY WATCH

The Swedish NGO Office for
Nuclear Waste Review, MKG



Naturskyddsföreningen

Nuclear waste governance from an environmental justice perspective

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Background – MKG / NTW

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

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Importance of 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 if:
 - Early initialisation
 - Input taken due account of
 - Possibility to influence decision-making (**legal access to justice**)
 - (Availability of resources)

Aarhus Convention

- The “Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters” was adopted in Aarhus in 1998 and entered into force in 2001. All EU countries and the European Union (except Euratom!) are parties.
- Three pillars:
 1. 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)

Radioactive Waste Directive

- 2011 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 to the European Commission late August 2015 = now!
- Article 10 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.”

The NTW BEPPER project (1)

- The organisation Nuclear Transparency Watch (NTW) was started in late 2012.
- Within NTW working groups were created, one working group was on issues regarding Radioactive Waste Management (RWM).
- With the RWM working group a focus was put on issues regarding transparency (public information and participation (PIP)).
- From this grew the "NTW BEPPER project" where BEPPER stands for "**B**road framework for **E**ffective **P**ublic **P**articipation in **E**nvironmental decision-making in **R**adioactive waste management".

The NTW BEPPER project (2)

Goals

- Establish **enduring governance models providing resources** to NGOs on the international, national and local level;
- Improve technical and legal capacities of NGO representatives participating in research projects;
- Promote the inclusion of Civil Society and NGOs as part of the RWM arena;
- Enable the development of a **legal framework for effective public participation in RWM that takes into due account the input of NGOs**, and
- Involve Civil Society and NGOs as respected partners in international and European networks.

The NTW BEPPER project (3)

- The "NTW BEPPER project" is developing what is tentatively called the "NTW BEPPER framework" and the "NTW BEPPER findings of key components on effective PIP in RWM". There is to be a separate NTW report on this.
- In the autumn of 2014 a consortium of organisations working within the NTW RWM working group won a tender to write a report on PIP for the European Commission to be used to assist evaluation of Article 10 on Transparency in the Nuclear Waste Directive. The BEPPER project's findings are used in the report to discuss criteria for effective PIP.
- Network of almost 30 European NGOs created

The NTW BEPPER project (4)

Draft version for NGO meeting (August, 2015)



**Assessment of Good Practices on Transparency in
Relation with Management of Spent Fuel and Radioactive
Waste**

Draft version for NGO meeting (August, 2015)

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The NTW BEPPER project (5)

- International and European governance for public information (PIP) in radioactive waste management (RWM)
 - Early developments (Stockholm and Rio Declarations)
 - The Aarhus Convention
 - The Bali Guidelines
 - The Espoo Convention and developments
 - EU legislation implementing the Aarhus and Espoo Conventions
 - The Radioactive Waste Directive
 - IAEA Joint Convention and reports

The NTW BEPPER project (6)

- Relevant research and experience from other processes on PIP in RWM
 - *Overview of European Commission framework research projects, COWAM (2000-2009), ARGONA (2006-2009), IPPA (2011-2014), INSOTEC (2011-2014)*
 - *The IPPA project*
 - *The PIPNA report*
 - *Overview of OECD/NEA activities and findings on PIP*
 - *The European Commission E-Track project*
 - *The WRI Environmental Democracy Index*
 - *Innovative Developments in Participatory Processes*

The NTW BEPPER project (7)

- The “NTW BEPPER findings of key components on effective PIP in RWM”
 - Principles
 - Practices
 - Innovation in **resources** and quality assessment
 - The “NTW BEPPER framework” for effective PIP in RWM
 - Effective Access to Information
 - Effective Access to Public Participation in Environmental Decision-making (PPEDM)
 - **Effective Access to Justice**
 - **Effective Access to Resources**
- “BEPPER levels”

The NTW BEPPER project (8)

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- Review of PIP texts in IAEA Joint Convention national reports
- Questionnaire to NGOs
- Examples of interesting practices (Sweden, France, Belgium, Germany, Slovenia)
- Special focus on access to resources

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 18th century. Access to justice implemented.
- The Aarhus Convention was implemented in the new Environmental Act (1998) – consultation in developing environmental assessment document, taking into due account, access to justice, special importance of environmental NGOs
- Principles of Environmental Act added to Nuclear Activities Act and Radiation Protection Act
- Resources to NGOs from nuclear waste fund since 2005



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