

Management of spent fuel and radioactive waste in the Joint Project countries¹ – Implementation of Directive 2011/70/Euratom

Introduction

According to the **Council Directive 2011/70/Euratom „establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste“**, the EU member states are obliged to prepare their national programmes on the management of spent fuel and radioactive waste. The programmes need to include all waste management steps. Goal is the safe and responsible management to protect workers and the general public against the dangers arising from ionizing radiation. Any undue burden on future generations should be avoided.

The **content of these national programmes** is specified in Art 12 (1):

“The national programmes shall set out how the Member States intend to implement their national policies referred to in Article 4 for the responsible and safe management of spent fuel and radioactive waste to secure the aims of this Directive, and shall include all of the following:

- (a) the overall objectives of the Member State’s national policy in respect of spent fuel and radioactive waste management;
- (b) the significant milestones and clear timeframes for the achievement of those milestones in light of the over- arching objectives of the national programme;
- (c) an inventory of all spent fuel and radioactive waste and estimates for future quantities, including those from decommissioning, clearly indicating the location and amount of the radioactive waste and spent fuel in accordance with appropriate classification of the radioactive waste;
- (d) the concepts or plans and technical solutions for spent fuel and radioactive waste management from generation to disposal;
- (e) the concepts or plans for the post-closure period of a disposal facility’s lifetime, including the period during which appropriate controls are retained and the means to be employed to preserve knowledge of that facility in the longer term;
- (f) the research, development and demonstration activities that are needed in order to implement solutions for the management of spent fuel and radioactive waste;
- (g) the responsibility for the implementation of the national programme and the key performance indicators to monitor progress towards implementation;

¹ Bulgaria, Czech Republic, Hungary, Poland, Romania

- (h) an assessment of the national programme costs and the underlying basis and hypotheses for that assessment, which must include a profile over time;
- (i) the financing scheme(s) in force;
- (j) a transparency policy or process as referred to in Article 10;
- (k) if any, the agreement(s) concluded with a Member State or a third country on management of spent fuel or radioactive waste, including on the use of disposal facilities.“

The Member States are obliged to **submit a report** to the European Commission on the implementation of this Directive for the first time **by 23 August 2015**, and every 3 years thereafter (Art. 14 (1))

Moreover, the preparation of the national waste management programme is also subject to the **Directive 2001/42/EC “on the Environmental Impact Assessment of certain plans and programmes.”**

The Joint Project NGOs made a request to their national authorities about the status of the national programmes. In this report, the status in the Joint Project countries as of June 2015 is listed.

By end of June 2015, none of the Joint Project countries had started a SEA procedure.

Therefore, the Joint Project will also include national waste management programmes in their workload for 2015/2016.

Bulgaria

Bulgaria’s strategy for the management of spent fuel and radioactive waste is outlined in the “Strategy for management of spent nuclear fuel and radioactive waste”. This strategy was updated in January 2011 and covers a period till 2030.

Za Zemiata sent an information request about the status of the national programme according to Directive 2011/70/Euratom to Bulgarian authorities. So far, only the State enterprise RAW (SERAW) answered. In a meeting, the director of SERAW explained that they already harmonized Directive 2011/70/Euratom on a ministry level regulation. At the same time in the written answer Za Zemiata found that on March 25th 2015, the new Energy Ministry started a procedure for harmonization of the strategy for nuclear spent fuel and RAW, which the Bulgarian state adopted just before the new Directive came to force.

So **Bulgaria is in violation of the procedure due to the delay**. At the same time, an even more problematic fact is that in the written answer of State enterprise RAW they announced that the new version of the strategy will be published after adoption of this interdepartmental commission, meaning that **they are not planning a public consultation**.

Bulgarian NGOs are still waiting for an official answer from the Ministry, the responsible institution in Bulgaria. In case there will be no answer, a court case could be started.

Czech Republic

Seven localities in the Czech Republic were chosen as possible **sites for a final storage for spent nuclear fuel**. In all these localities negotiations concerning permission of the preliminary geological surveys were carried out by the Ministry of Environment. This process has not been finished yet, mainly due to the strong resistance of local communities which participated in these negotiations. The second reason for the delay of this permission process is a procedural mistake made by State office of radioactive waste management itself. Due to this mistake, the projects for geological surveys have not been prepared by now.

Originally the above mentioned preliminary geological surveys should have started in 2015. Till the end of 2022, two localities out of seven should have been chosen and then – till the end of 2025 – the decision about a so-called main locality and a stand-by locality should have been made. It is more than obvious that this time schedule cannot be fulfilled at all.

The only option being really discussed for disposal of spent nuclear fuel is a deep geological repository in a granite massive. Other methods have not been discussed. Czech NGOs urgently call for stopping the search process and for public debate on what to do with the Czech nuclear waste and to stop producing more of it. Politicians, on the other hand, are motivated by the efforts to demonstrate as soon as possible that the existence of nuclear waste is not a problem and it is therefore possible to build more new nuclear reactors.

The **national programme** for the Czech Republic according to Directive 2011/70/Euratom is likely to be a new version of the “Concept of Radioactive Waste and Spent Fuel Management”. This concept was written in 2013.

The radioactive waste management strategy should be assessed in the process of a SEA (Strategic Environmental Assessment). **The Czech government decided in December 2014 that this material will be assessed in a SEA procedure.** Czech NGOs assume that this process will start in the second half of the year 2015.

Hungary

Hungary’s national programme is under construction. In a first step, the **national policy** concerning the management of spent fuel and radioactive waste **has been approved** by the Parliament and entered into force on 4th May 2015. According to the Governmental Decree (2/2005. (I. 11.)), a SEA has to be prepared to the national Programme. The national programme can be finalized and the implementation of the **SEA can happen after the Parliament has accepted the national policy.**

The national programme must be ready by 23 August 2015, according to the Council Directive. The Ministry of National Development stated in its answers to Energieklub’2 questions that it will ensure the public reconciliation in the frame of the administrative reconciliation; the document will be available on a specified website.

Poland

A draft SEA document was prepared by the Ministry of Economy and was submitted for public consultations required by law with the deadline set for 3 April, 2015. The document overlooks and

downplays serious environmental, health, safety etc. risks related with the managed radwaste, it is often over-optimistic about predicted possible impacts. It proposes to build a deep geological disposal site in Poland as an efficient (ultimate and safe) measure to manage high-level waste and spent nuclear fuel.

What is important, it claims that no transboundary impacts of the programme can be concluded, because the documents has a general character (only concrete investments can be assessed against possible impacts, so e.g. it may concern a future LILW repository in its stage of localisation procedure). Therefore it proposes that no transboundary SEA should be necessary for the programme.

Civil Nuclear Monitor prepared a letter with comments to the Ministry under the public consultations. It raised the most crucial concerns about the assessments and conclusions of the SEA and demanded a transboundary SEA to be carried out.

On 17 June 2015, the Polish Ministry of Economy (MoE) announced the closing of the public consultations of the SEA for the draft RadWaste Programme and presented a **report** from this part of the procedure. A communique was posted at the MoE's website (in PL only):

<http://www.mg.gov.pl/node/24210> with links to a related report and a table of collected and answered comments:

<http://www.mg.gov.pl/files/upload/24210/Tabela%20uwag%20KPPzOPiWPJ.docx>

In brief, **Civil Nuclear Monitor's main demand to carry out a transboundary SEA was rejected** on the grounds which were the same as given in the answer from the Ministry of Environment to the above mentioned letter dated from before the announcement of the finish of the consultations.

If there is no transboundary SEA effected then the national programme will be ready to be sent to the EC, in our opinion, in late-2015. **So Poland would miss the deadline** but by a few months only.

The direct link for the SEA document (in Polish only):

http://bip.mg.gov.pl/files/upload/21931/Prognoza_KPPzOPiWPJ_min.pdf. The chapter on transboundary impact assessment is marked no. 5.7.

Romania

Following the letter No. 1 / 01/06/2015 from Terra Milleniul III, ANDR (Nuclear Agency & Radioactive Waste) sent the following information in response to our questions:

In what stage is the development of the national strategy on the medium and long-term management of spent nuclear fuel and radioactive waste?

At this point, the document "National Strategy on the Medium and Long Term Safe Management of Radioactive Waste and Spent Nuclear Fuel" **is under review** in the ANDR, according to article 17 of law 378 / 1912.2013 and to EC recommendations.

What are the next steps in the development / implementation of this strategy?

Considering the special interest of this document and the areas of development in the field of radioactive waste management and spent nuclear fuel, it will be submitted for approval to the institutions of interest and approved through a government decision.

If and when will this strategy be subject to a transboundary strategic environmental assessment border?

According to section 4 A of the Annex to Order 995/2006 for the approval of plans and programs falling under government decision HG1076/2004 on establishing the procedure for the environmental assessment of plans and programs, the National Strategy on the Medium and Long Term Safe Management of Radioactive Waste and Spent Nuclear Fuel is listed under plans and programs falling under government decision HG1076/2004 on establishing the procedure for environmental assessment for plans and programs. After editing the final strategic document, **the procedure of strategic environmental assessment will start in the course of 2015**, according to the law (art. 34, section V of Law 1076/2004).

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