



Lifetime Extension of Nuclear Power Plants

Legal Tools for Public Participation

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21 April 2022

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What is ÖKOBÜRO?

ÖKOBÜRO is the Alliance of the Austrian Environmental Movement:

- 20 member organisations (incl. GLOBAL2000/FoE AT and the Austrian Institute of Ecology)
- Advocacy on legal and political level
- Focus on rights of civil society
- Member of the European environmental law network Justice and Environment (J&E)

For further information visit www.oekobuero.at/EN

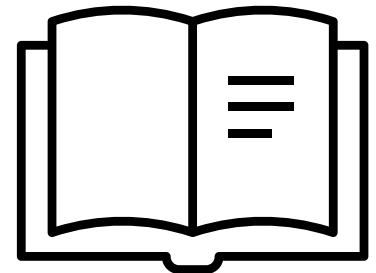
Overview

- I. Regulatory frameworks for public participation
- II. Distinction Espoo and Aarhus
- III. LTE from a legal perspective
- IV. Rights of the public according to the Espoo Convention
- V. Transboundary EIA procedure
- VI. Public Participation Toolkit

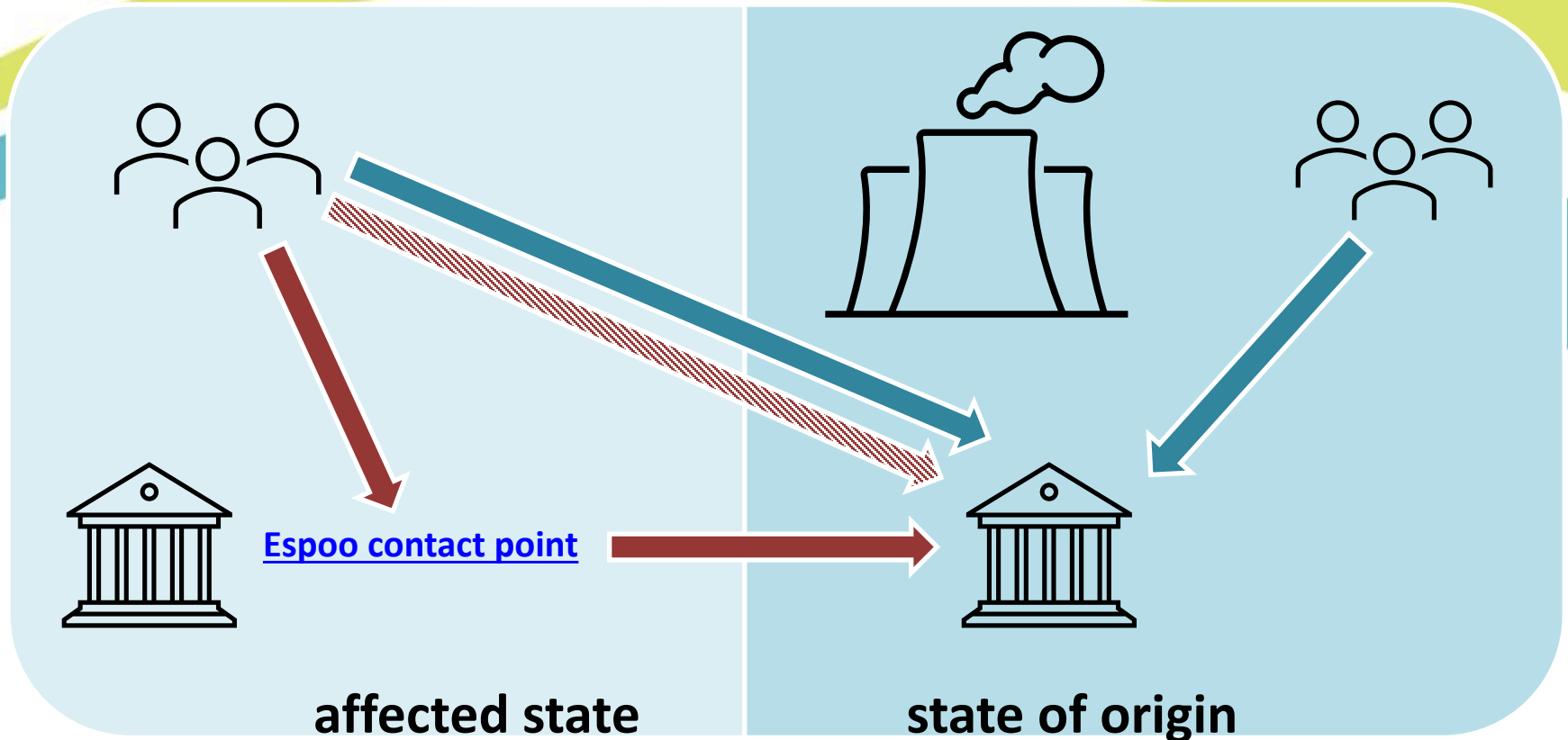


Regulatory Frameworks

- **UNECE Aarhus Convention**
 - Access to Information, Public Participation, and Access to Justice in Environmental Matters
- **UNECE Espoo Convention**
 - transboundary EIA, procedure between different states
- **EU EIA Directive**
 - transposes Aarhus and Espoo
- Other European legislation (Habitats Directive, Nuclear Safety Directive etc.)



Esppo vs. Aarhus



LTE from legal perspective

- different scenarios of LTE under Espoo Guidance:
 1. end date of a limited licence was reached, but NPP is intended to continue operation
 2. time unlimited licence, but the design life of irreplaceable safety critical structures, systems and components has been reached
 3. A periodic safety review is carried out in support of the decision-making process for LTE
 4. Modification of a NPP not covered by the existing authorization to operate (requiring a licence modification)
- Aarhus Convention:
 - Public participation requirements must be applied *mutatis mutandis* and where appropriate; no complete discretion of states!
 - Applies also for PSRs (see *Dukovany* case)
- ECJ case-law (Doel):
 - LTE by a significant period of 10 years, “combined with major renovation works”

Rights of the Public according to Espoo

1. Regarding the state of origin:

- Information and involvement of potentially affected states
- EIA when all options are open; comments/objections must be taken into account

2. Regarding their own state:

- Enter into transboundary EIA procedure if transboundary environmental effects are likely (includes effects from accidents!)
- Publication of documents in easily accessible way
- Possibility to submit comments to be forwarded to the state of origin

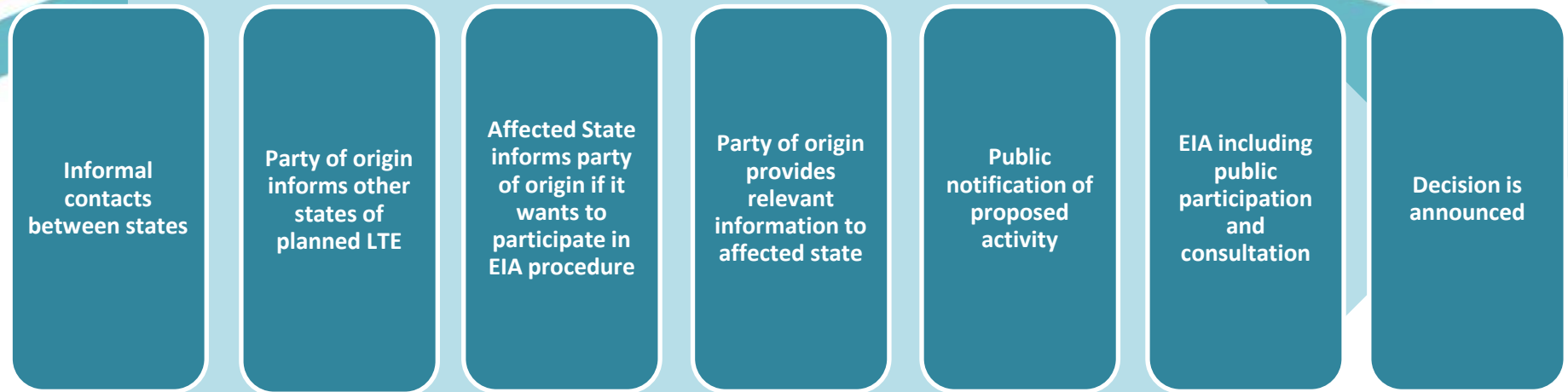
3. Regarding both states

- Be informed of the proposed LTE incl. translations (if necessary)
- Reasonable timeframes

... Otherwise: Legal remedies on national level, complaints to the European Commission and/or to the Espoo Implementation Committee



Transboundary EIA procedure

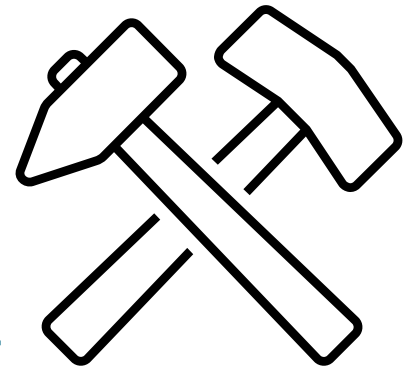


Public Participation Toolkit

- Explanation of different legal frameworks relevant for LTE
- Practical interpretation for NGOs and citizens
- References and useful sources of information

Available at:

https://www.oekobuero.at/files/717/toolkit_public_participation_lte_okoburo_2022_fin.pdf





THANK YOU FOR YOUR ATTENTION !

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