

Siting Activities and Stakeholders' Interaction in Germany

From Gorleben to the Restart of Siting

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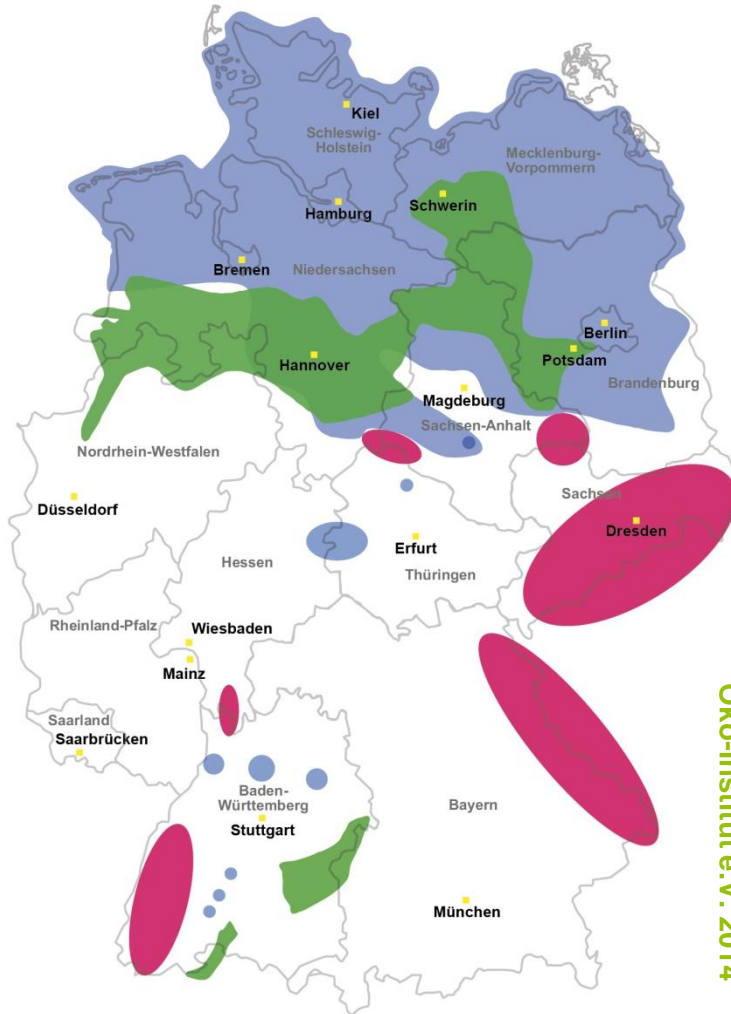
1. Latest Developments: New Repository Siting Framework

- March 23, 2017: German Bundestag (lower house of Parliament) passed a revision of the 2013 Siting Law
- Decision of the Bundesrat (upper house of Parliament representing the Länder) is expected on March 31
- Purpose of the Law:

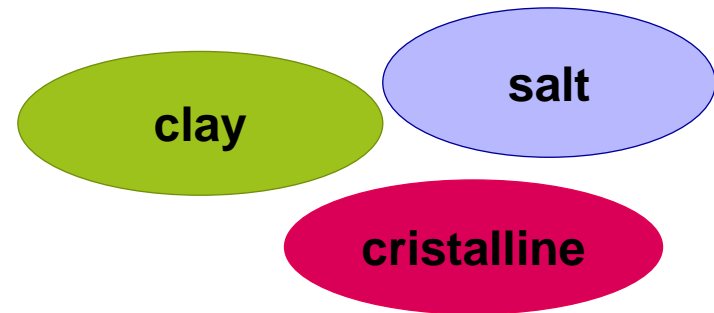
„To determine a site with the best possible safety for a repository for high active waste [...] on the basis of a participative, science-based, transparent, self-questioning and learning procedure.“

[speaker's translation]
- Starting from the „White Map“ of Germany with three potential host rocks...

... the „White Map“ and potential host rocks



Enhanced geological and geographical diversity:



to be considered as potential host rocks

Stop of Gorleben explorations

1. Latest Developments: New Organisational Framework

- The Law on the “new organisational structure of institutions for nuclear waste disposal” was passed in June 2016, constituting...



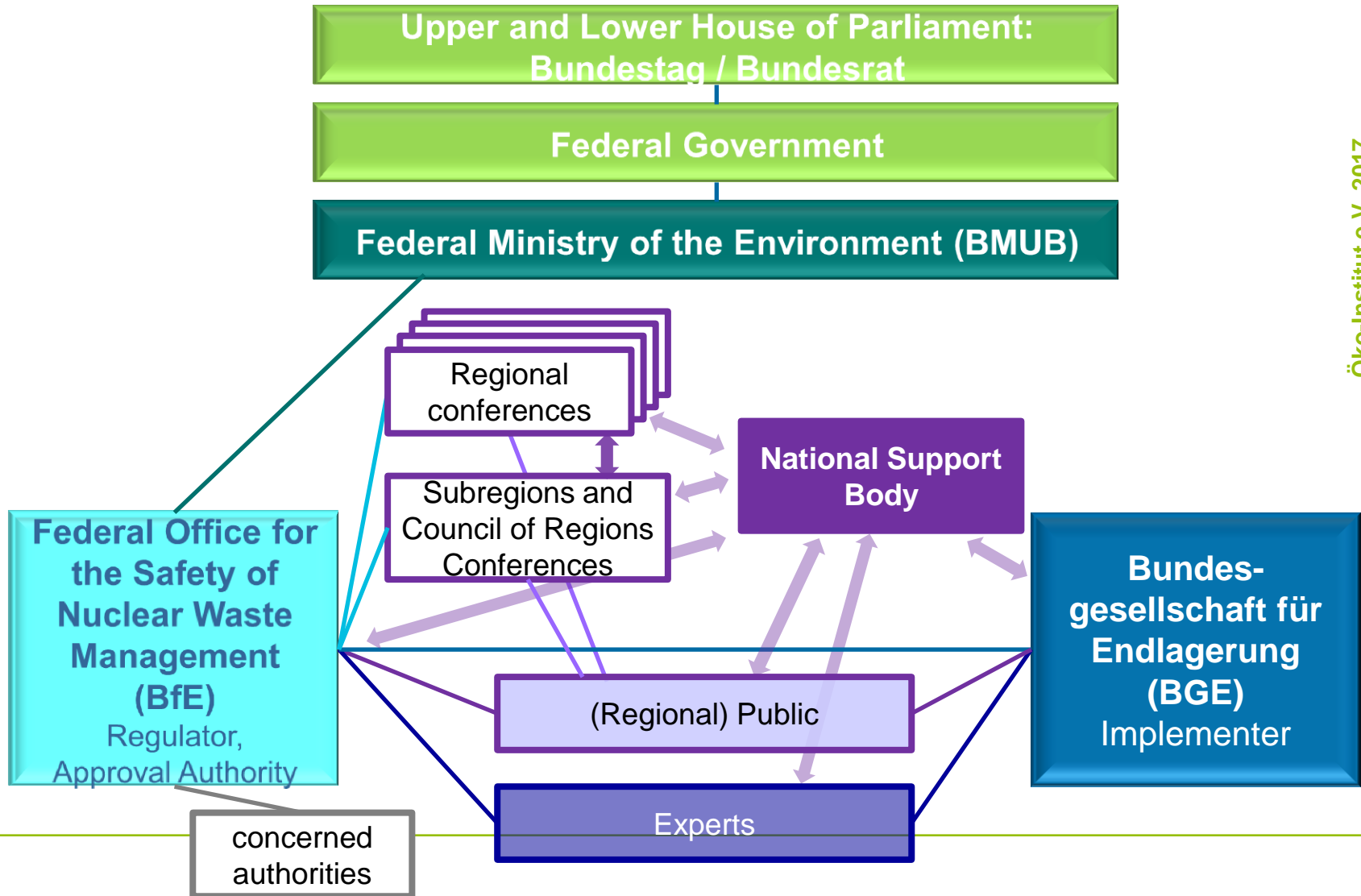
Federal Office for the Safety of Nuclear Waste Management (BfE) → regulator, plan approval, supervision

Bundesgesellschaft für Endlagerung (BGE)
→ implementer

**NATIONALES
BEGLEITGREMIUM**

National Support Body → independent social entity: provide mediating and independent support for the site selection procedure, in particular for the implementation of public participation in the site selection procedure

1. Latest Developments: Institutional Structure of the Siting Process



1. Latest Developments: Stepwise siting process (according to draft law 03-23, 2017)

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§20	3e. Decision: Repository Site	Fed. Parl.	
§19	3d. Final comparison of sites, site proposal	BfE	
§19	3c. Notification: Performance conforming to law	BfE	Appeal
§18	3b. Environmental Impact Assessment	BfE	P + A
§18	3a. In depth subsurface exploration, site proposal	BGE	RegC
§17	2d. Decision: Specific exploration programmes + criteria	BfE	
§17	2c. Decision: Sites for subsurface exploration	Fed. Parl.	
§17	2b. Notification: Performance conforming to the law	BfE	Appeal
§16	2a. Above ground exploration; proposal of sites, programmes and criteria for subsurface exploration	BGE	P + A RegC
§15	1d. Decision: Site specific exploration programmes	BfE	
§15	1c. Decision: Site regions for above ground exploration	Fed. Parl.	
§14	1b. Determination of potential site regions for above ground exploration and site specific exploration programmes	BGE	P + A RegC
§13	1a. Determination of subregions	BGE	SC

BGE – Bundesgesellschaft für Endlagerung (Implementer)

BfE – Federal Office for the Safety of Nuclear Waste Management (Regulator)

P + A: Participation of Public and concerned Authorities

SC: Subregions Conference

RegC: Regional Conferences

Appeal: Right of Appeal according to Umweltrechtsbehelfgesetz incl. regional authorities, citizens and land owners

1 Latest Developments: New procedural and organisational Framework

2 Points of criticism from NGOs (exemplary)

3 The long way out of the deadlock

2. Points of criticism from NGOs (exemplary)

- Criticism of Friends of the Earth in the minority vote of the report of the Nuclear Waste Disposal Commission 07-2016 (speaker's translation):
 - The waste to be disposed of is not clearly defined
 - Granite formations not sufficiently treated
 - No legal protection (right of appeal) in each siting stage
 - Gorleben should be ruled out in advance
 - Nuclear phase out not fixed in the Basic Law of Germany
- Several NGOs refused to participate in the Disposal Commission for evaluating the 2013 Siting Law and developing criteria:
 - No adequate participation in the development of the Siting Law
 - Regulations for participation reveal that it is not taken seriously
 - Gorleben history has to be cleared before siting can be restarted
 - Alternatives to disposal need serious analysis

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3. The long way out of the Deadlock

Some Gorleben specifics

- Selected in 1977 as a site for a National Nuclear Waste Management Center
- Until reprocessing plans skipped in 1979
- Underground explorations starting in 1984
- Well organised and informed citizens' initiatives developed in the Gorleben region
- With the formation of the Green party in 1980 nuclear resistance established in the political system
- No mutual (or at least majority shared) views reached on the suitability of the site before moratorium 2000 – 2010
- Societal resistance, lack of steady political support at federal and Länder level, appeals at court lead to “*stop and go policy*” (Ruetter & Partner) or a “*messy muddling through*” (Hocke & Renn)
- Gorleben became a synonym for the German Anti nuclear movement

3. The long way out of the Deadlock

Legislative and organisational deficiencies before 2013

- The plan approval procedure according to the atomic law governing construction and operation was the only existing framework
- Public participation limited to consultation on the plan
- No legal and regulatory basis for the siting and design phase before entering the plan approval procedure:
 - Criteria, procedure, milestones, decision-making etc. not regulated
 - No possibility for systematic public participation
- No clear separation of implementer and supervisor responsibilities
- The competence of the plan approval authority was on the Länder level – not suitable for regulating a national siting process

3. The long way out of the Deadlock

The change of 2011 (contributing factors)

- Broad political and societal support for nuclear phase-out decision after the Fukushima accident
- The Gorleben-Commission-of-Enquiry at the Bundestag proved that the search for political agreement was hopeless
- Changing societal demands on decision-making processes became evident (“Stuttgart 21”)
- Growing public scepticism in the salt concept (failure of the Asse project) ...
- International developments and progress in siting
- Another 10 years after the AkEnd without meaningful progress

Political openness for taking over responsibility for nuclear waste management

Agreement on the Federal and Länder level to restart siting, based on a specific siting Law

Thank you for your attention!

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