NEA WORKSHOP ON
STAKEHOLDER
INVolvEMENT IN NUCLEAR
DECISION MAKING

THE NATIONAL LEGAL
FRAMEWORK IN FRANCE

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17, January 2017
GENERAL FRAMEWORK FOR PUBLIC INFORMATION AND PARTICIPATION IN DECISION PROCESS
Article 7 of the Charter for the environment, added to the French Constitution in 2005

«Everyone has the right, in the conditions and to the extent provided for by law, to have access to information pertaining to the environment in the possession of public bodies and to participate in the public decision-taking process likely to affect the environment.»
INTERNATIONAL SOURCES

- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ("Aarhus Convention")


Environmental Code

**Principle of participation** = everybody has access to information relating to the environment, including information relating to hazardous substances and activities, and the public is involved in the process regarding the development of projects that have a major impact on the environment or on town and country planning (Article L. 110-1)

Articles L. 120-1 et seq. : participation gives the right for the public to :

- access to the relevant information allowing its effective participation
- request the implementation of a participation procedure under the conditions laid down in the Environmental Code
- have reasonable time to make observations and proposals
- be informed of the manner in which its observations and proposals have been taken into account in the authorization or approval decision
TRANSPARENCY
IN THE NUCLEAR FIELD
**Principle of transparency** - Article L. 125-12 of the Environmental Code (EC)

“Transparency in the nuclear field consists in the set of provisions adopted to ensure the public’s right to reliable and accessible information on nuclear security.”

**Definition of “nuclear security”** - Article L591-1 of the EC

Nuclear security comprises nuclear safety, radiation protection, the prevention and fight against malicious acts, and also civil security actions in the event of an accident.

ℹ️ Applicable to Basic Nuclear Installations (BNI)
By the administrative bodies

Responsibilities allocated to the State (Art. L. 125-3 EC):
- To ensure that the public is informed about the risks associated with nuclear activities and their impact on the health and safety of persons and on the environment
- To inform the public about the modalities and results of the nuclear safety and radiation protection control
- To provide the public with information on the consequences of nuclear activities outside the country, in particular in case of an incident or accident

Nuclear Safety Authority (Art. L. 591-1 EC): contributes to public information in its fields of competence (BNI, radioactive transports, pressurised equipment specially designed for BNI, nuclear activities)
By the operator of a BNI

Annual report (Art. L. 125-15 EC) containing information on:
- measures taken to prevent or limit the risks and disadvantages
- incidents and accidents occurring within the perimeter of the BNI
- nature and results of measures of radioactive and non-radioactive releases to the environment
- nature and quantity of waste stored in the perimeter of the BNI

Report submitted to the Occupational Health and Safety Committee, publicly disclosed and transmitted to the Local Information Committee and to the HCTISN

Declaration of an incident or accident (Art. L. 591-5 EC), nuclear or not, that has or is likely to have significant consequences on the safety or endanger, by significant exposure to ionising radiations, persons, goods or the environment
Consultation and information bodies in the nuclear field

- **High Committee for Transparency and Information on Nuclear Security (HCTISN)** (Art. L. 125-34 EC): information and debate body on the risks related to nuclear activities and the impact of these activities on personal health, on the environment and on nuclear security.

- **Local Information Committees (LIC)** (Art. L. 125-17 and f. EC)
  - Creation of a LIC for any site comprising one or several BNI
  - Mission: general follow-up, information and concertation in the field of nuclear safety, radiation protection and impact of nuclear activities on persons and the environment as far as the site installations are concerned
  - Results of the work of the LIC accessible to the greatest number
  - At least one public meeting / year
_Principle (Art. L. 125-10 EC)_

Any person is entitled to obtain, from the operator of a BNI, the information held, whether it has been received or drawn up by the operator, on the risks related to ionising radiations that can result from this activity and on the safety and radiation protection measures taken to prevent or reduce these risks or exposures.

_Limits (Art. L. 124-4 EC)_: the operator can refuse the communication of information if:

- it is in a draft document
- or the request is too general
- or this communication can affect interests protected by law (ex: national defense, foreign policy, security of the State) or the environmental protection

_Conditions_

- to answer within 1 month
- possibility of challenging a refusal to disclose information before the Commission for access to administrative documents (CADA)
INVOLVEMENT OF THE PUBLIC IN DECISIONS CONCERNING A NUCLEAR BASIC INSTALLATION
ON MAIN OPTIONS OF A PROJECT OF NBI

- **Public debate for the creation of a NBI**
  - Mandatory in case of a creation of a new nuclear site with an investment **> 300 M€** (facultative if the investment is **> 150 M€**)
  - Can be organized by the National Public Debate Commission or the project manager
  - On the **objectives and main characteristics** of the project (including its social and economical impacts), the **estimated cost** and an identification of the **significant impacts** of the project on the environment or on town and country planning
  - Must be followed by a project manager’s published notice on the principle and the conditions of the **continuation of the project + principal modifications** made to the project to take into account the public debate

- **Recent creation of other participation procedures on the main options of a project**
  - Prior consultation
  - Right of initiative to reinforce an effective environmental dialogue
  - Local referendum
ON A PROJECT OF NBI

- **Environmental assessment** (Art. L. 122-1 and f. EC)
  - Transposition of 2 EU directives
  - Environmental assessment = process including impact assessment + consultations + instruction by competent authorities
  - Mandatory for the creation of a NBI

- **Public enquiry** (Art. L. 123-1 and f. EC)
  - For any project subject to an environmental evaluation: mandatory for the creation of a NBI
  - On the documents given for the application + mandatory consultations
  - Conducted by an investigating commissioner or an enquiry commission appointed by the President of the administrative tribunal
  - At least 30 days for the public to consult the documents and submit their observations

→ Same procedures when a BNI has to be dismantled
ON EACH DECISION CONCERNING THE BNI

**Principle** (Art. L. 123-19-2 EC): must be subject to public participation any individual decision of public authorities having an impact on the environment which do not belong to a category of decisions for which there is no specific legislative provisions.

**Nuclear Safety Authority decisions on technical prescriptions**

- In addition to the prescriptions of the Decree authorizing the creation of a NBI
- On the design, construction and operation of the BNI, liquid and gaseous releases, environmental surveillance, …
- Each draft of a decision determining technical prescriptions submitted to a public consultation on the website of the NSA for at least 2 weeks

**Modifications asked by the licensee**

- For the modifications likely to have an impact on the environment
- Draft decision authorizing the modification submitted to a public consultation on the website of the NSA for at least 2 weeks
OVERVIEW OF PUBLIC PARTICIPATION IN MAIN STAGES IN BNI LIFECYCLE

Application for the licence

Creation authorized by a Decree

Dismantling authorized by a Decree

Declassification authorized by a decision of the NSA

Options

Project

Operation

Dismantling

Public debate
Prior consultation
Right of initiative
Local referendum

Public enquiry

Public consultation (technical prescriptions, modifications)

Public consultation (technical prescriptions, modifications)

Local Information Commitee
THANK YOU FOR YOUR ATTENTION
- Creation and operation of the underground Laboratory of Bure submitted to a public enquiry

- Policy on radioactive waste management submitted to a public debate in 2005

- **Public debate** before the application for the licence of the Cigeo project

- **Public enquiry** on the application

- Specific law determining the **reversibility conditions** on the project

- Complete commissioning of the disposal by a decision of the NSA after a “**pilot industrial phase**”, in conformity of the law mentioned above

- **Operational master plan** for the disposal: elaboration and update every 5 years after consultation of the stakeholders