Supplement of

Safety of Nuclear Waste Disposal

Participation of the foreign public in the site selection procedure: prerequisites and the question of informal participation

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PARTICIPATION OF THE FOREIGN PUBLIC IN THE SITE SELECTION PROCEDURE
Public participation in the site selection procedure and its application to the foreign public

- Rules on public participation are a cornerstone of the procedure established by the StandAG

- Comprehensively regulated in Chapter 2 of the statute (§§ 5-11 StandAG), inter alia:
  » Formal participation process at every stage of the procedure (including EIA-participation): § 7 StandAG, UVPG
  » „Regional Conferences“ for possible siting regions: § 10 StandAG
  » Informal participation: § 5 (3) StandAG

- Provisions are tailored to domestic participation
  » Transboundary relevance of nuclear waste disposal
  » Legal requirement regarding participation of the foreign public?
Formal participation process pursuant to § 7 StandAG and UVPG (EIA and SEA)

- Joint implementation of the participation procedures pursuant to § 7 StandAG and UVPG (EIA and SEA)

- Relationship of legal requirements pursuant to § 7 StandAG and UVPG respectively
  » Both statutes provide rules regarding information, written submissions and consultations of the public
  » “Most-favoured-participation-principle”: law with more extensive requirements prevails

- Application to foreign participation
  » UVPG (EIA and SEA) provides specific rules for participation of the foreign public (e.g. translation, interpretation), but limited to countries where “significant environmental impact” can occur
  » § 7 StandAG applies to the general international public, but does not establish specific rules for the foreign public
  » Conclusion:
    » Everyone can participate
    » Specific rules for participation of the foreign public pursuant to UVPG are limited to certain countries (e.g. translation)
Participation in the „Regional Conferences“ pursuant to § 10 StandAG

- Participation format for people living in or close to possible siting regions

- If siting region borders on another state, the interests of the foreign public concerned must be “considered equally” according to § 10 (2) StandAG – but how?

- Defining the relevant foreign region
  » The equivalence could be taken into account by selecting a geographic section that corresponds in its maximum extent to the largest German territorial authority bordering the siting region

- General Assembly
  » The foreign citizens are to participate in the General Assembly – on the same level as the citizens of the domestic territorial authorities (next to the siting region)

- Representative body
  » In lack of a concrete regulation the equal consideration should also be reflected here. The rules must at least allow for the eligibility of foreign citizens
Informal participation

- The principles of participation in § 5 StandAG show no difference between domestic and foreign public to be involved

- Informal participation is foreseen in § 5 (3) StandAG (so too: “further development” of participation)

- In case - sitting region borders on another state – there is an obligation to involve the foreign public, this could also apply to the (regional) informal participation

- “spillover effect” on the participation of the foreign public
  
  » Otherwise, an informational and participatory “gap” could arise
The research results presented are part of the BASE-commissioned research project “Challenges and success factors in cross-border public participation in the site selection procedure (HErüber)”

Thank you!