

Supplement of Saf. Nucl. Waste Disposal, 1, 225–226, 2021
<https://doi.org/10.5194/sand-1-225-2021-supplement>
© Author(s) 2021. CC BY 4.0 License.



Supplement of

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

Silvia Schütte and Johannes Franke

Correspondence to: Silvia Schütte (s.schuette@oeko.de)

The copyright of individual parts of the supplement might differ from the article licence.

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 - siting 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!

All presented concepts, ideas and texts are intellectual property of UfU e.V.

Any use of the content is prohibited and has to be requested and approved in a written format by the authors.

© Unabhängiges Institut für Umweltfragen, 22.10.20