



# Case Study ***PAKS II***

Experience from Austrian Perspective

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# Overview

- Who we are and what we do
- What is *Paks II*?
- How did it happen?
- What are the content issues?
- What are the legal problems?
- Lessons learned



# ÖKOBÜRO ...

- Is the Alliance of the Austrian Environmental Movement: an umbrella organisation consisting of 17 environmental NGOs such as
  - Global2000 / Friends of the Earth Austria
  - FOUR PAWS
  - Greenpeace CEE
  - WWF Austria
  - etc.
- Develops legal and political solutions for environmental projects
- Fosters the balance of interests between civil society, state, and economy
- Creates expert analysis and engages in political discussions as well as strategic environmental procedures

# What is *Paks II* ?

Nuclear Power Plant in Paks (Hungary):

New reactor planned

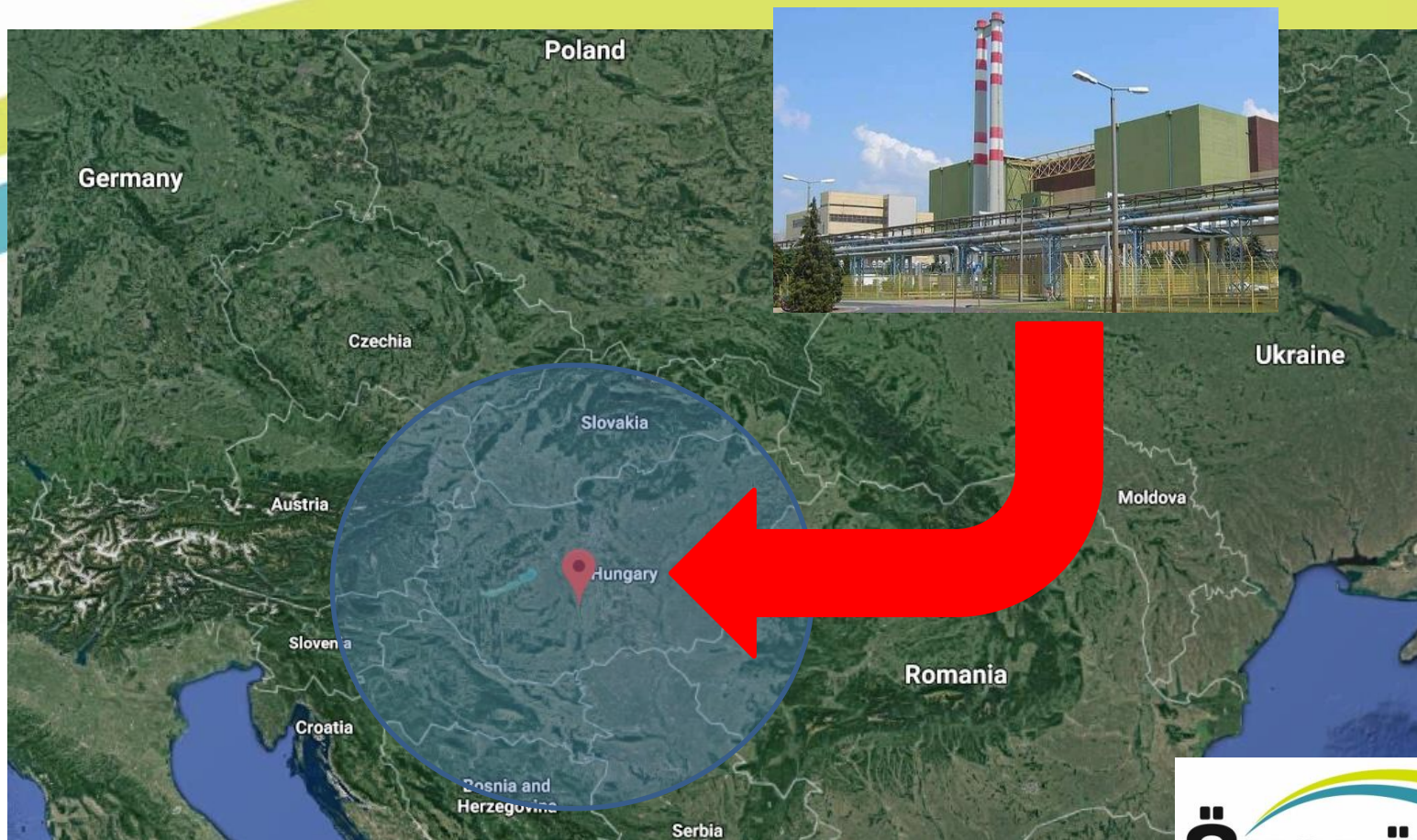


photo: oekonews.at

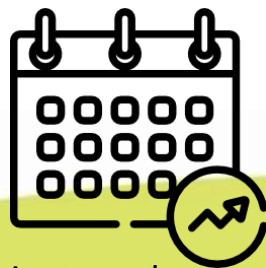
→ Environmental Impact Assessment (EIA) must be conducted !



... Also in a transboundary contex !



# Course of events...



**2013:** start of the scoping procedure

**15 Mar-4 Apr 2013:** transboundary EIA in several European countries; documents were published by the Governments of the Austrian Federal States and comments could be submitted

**2015:** main phase of the EIA starts

**21 April-23 September 2015:** EIA documents were available for public access in AT and comments could be submitted

*a few months later* Benedek Jávor, Member of the European Parliament declares that the documents contain fundamental mistakes

**Mai-Sep 2015:** *Austrian Institute for Ecology and Global2000, Calla (CZ), Terra Milleniul III (Romania) and BUND (Germany) submit statements to the transboundary EIA*

**Sep 2015:** hearing in Vienna, participation of *Global2000, Greenpeace, Austrian Institute for Ecology* etc.; HU refuses to make additional information available

**21 Jul-19 Aug 2016:** new documents published in Austria (according to the Viennese Environmental Ombudsoffice not additional documents to the EIA study but changes to the EIA study)

**Sep 2016:** environmental license (= final decision) published in Hungary; deadline for the right to appeal of 15 days of receipt

**Jan 2017:** English translation of decision published in Austria and Germany (no possibility to appeal declared)

**Feb 2017:** Austrian Institute of Ecology complained in a letter to the authorities responsible for EIA and ESPOO contact points, and also to the National Inspectorate for Environment and Nature in Hungary (similar did *Calla* and *Terra Milleniul III*)

**Mar 2017:** answers from HU to *Global2000/ Institute of Ecology, Terra Milleniul III and Calla* (in Hungarian); translation of NGO Energiaklub: cannot be “legal clients” and thus no right to appeal

**Nov 2017:** network meetings of NGOs involved

# Why do we care ?

- EIA permission lacks provisions and binding conditions to address severe accident effects and the risks associated with the site
- final decision on the EIA *Paks II* states that in case of a severe accident nobody will be negatively affected living a bit near outside of the fence of the plant (based on information of other EIA of, e.g. Kalingrad, this type of reactor could lead to negative effects within a radius of 300km)
- Seismic issues not addressed sufficiently:



- within the past 20 000 years at minimum two severe earthquakes took place
  - If site investigation research is unable to exclude the risks of earthquake, either follow up research has to be required by the nuclear regulator or the site permit has to be refused
- thermal pollution of the Danube caused by the cooling water was miscalculated (according to Benedek Jávör)



# What are the legal issues ?



- HU never provided AT or a number of other countries with info on the public authority responsible for the decision (whom to contact in HU); eventhough in a bilateral meeting between AT & HU the Hungarian authorities had agreed to possibility to appeal
- EIA decision was published in Hungary in September 2016; neighbouring states received the English translation of the decision by end of 2016; in the beginning 2017 they published the English translation
- no information on the right of appeal; no timeframe or authority named
- the EIA license should have included necessary conditions; some of these conditions (and the major scientific studies for this) seem to have been removed from the EIA licensing permit
- other countries (AT, CZ, DE, etc., even maybe UA?) failed to take actions or took actions which resulted in the inability for NGOs in these countries to bring challenges

***... Complaint to the Espoo Implementation Committee  
as final option.***



# Involved Parties

- Austrian Institute for Ecology (central coordination)
- Global2000 / Friends of the Earth Austria (technical experts and experience)
- ÖKOBÜRO (legal inputs)
- Greenpeace Hungary and Energiaklub (translations and national inputs)
- Members of the Lower Austrian Green Party (political aspects)
- Viennese Environmental Ombudsoffice (factual inputs)
- Environment Agency Austria (inputs from the public sector)
- Greenpeace Energy / Munich Environmental Institute (information from other countries)
- And many others



# Possible Challenges

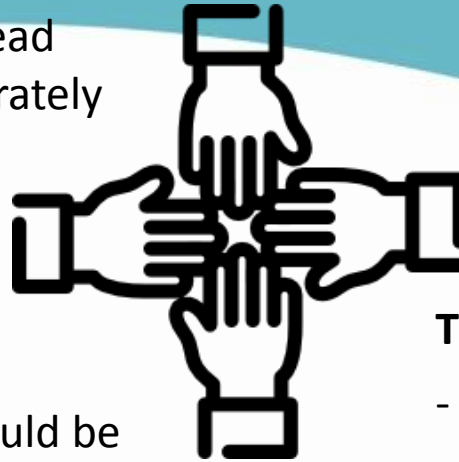
## Lack of information

- General dependence on state action
- NGO networks can spread information more accurately



## Financial issues

- The more share, the better
- Get anyone possible on board (e.g. small energy companies in Austria)



## Language barriers

- Even if information should be available in national language
- Importance of a strong network



## Time

- Short timeframes for appeals
- Espoo Implementation Committee must be informed on time





**THANK YOU FOR YOUR ATTENTION !**

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