



Statements on behalf of OEKOBÜERO and GLOBAL 2000; ACCC meeting March 2020

13 March 2020, Decision VI/8e (Czech Republic)

The amendment to the Czech EIA Act has in fact brought a deterioration to the situation before Decision VI/8e. Before, it was common practise that procedures according to the Atomic Act were not perceived as subsequent procedures to the Environmental Impact Assessment. The last amendment to the EIA Act introduced a list of subsequent procedures in which the EIA decision must be taken into consideration. Procedures according to the Atomic Act are not on this list.¹

Regarding the Building Act, we have the information that the amendment originally planned was not passed. As we currently have no information on this issue, including how it would affect paragraph 6 (b) (ii) of Decision VI/8e, we would appreciate elaborations by the Party on what exactly is planned in this regard.

¹ For more information regarding the procedures according to the EIA Act and the Atomic Act exemplified by Dukovany, see the Annex to this statement.



ANNEX

Situation of Aarhus Convention implementation after release of the Expert Report (posudek) NPP Dukovany II – June 2019 in CR

The Expert Report (“posudek”) with its Final EIA Statement under the aspect of the Aarhus Convention application and how the public can participate in determining impacts on the environment in the procedures subsequent to the EIA
March 13, 2020

Dukovany II, the nuclear power plant (NPP) to be built next to the existing four units, was subjected to an Environmental Impact Assessment (EIA). In line with the Czech EIA law amendment it was completed with the so-called **expert report (posudek)** and the positive **Final EIA Statement** issued by the Czech Ministry of Environment MZP with conditions in June 2019, which has to be taken into account in the subsequent procedures. This expert report (“posudek”) has been prepared by independent experts with the aim of assessing the requests and objections posed by the public and authorities during the EIA – also from abroad.

The new Czech EIA law does not foresee any comments or other possibilities to respond to the expert statement and the Final EIA Statement with the conditions, which need to be taken up in the following procedures of the project preparation (mainly siting and building procedure). The Final EIA Statement grouped them into Conditions for the project preparation phase, Conditions for the execution (construction) phase of the project, operation phase and Conditions for monitoring and analyzing the project impacts on the environment. In the following the most important issues are listed, which need to be solved in the upcoming procedures for the NPP Dukovany. It is not fully clear in which of those procedures the public will be able to participate in or rather whether they and how their comments will be integrated into upcoming decisions. At the EIA hearing in Munich (June 13th, 2018), the Ministry of the Environment’s representatives declared that there will be options for the public. So far the Czech side made available the full Czech version (843 pages) of the expert report and some parts of it were translated into English² (173 p.), together with a complete overview over all steps in the EIA procedure³ taken.

² https://portal.cenia.cz/eiasca/detail/EIA_MZP469.

³ https://portal.cenia.cz/eiasca/detail/EIA_MZP469.

The Final EIA Statement for Dukovany II contains the following conditions with impacts on the environment on local level and beyond, where NGOs and the public should be able to participate.

Conditions for the project preparation phase (NNS short for NEW NPP):

- 5) **Regulating radioactive substances during low flow rates in the River:** It should be ensured within the documentation for the **building permit** that the technical and technological solution of the new nuclear source (NNS) makes possible limitation of liquid effluents (waste water) containing **radioactive substances** from the NNS, especially tritium (H-3), in cases of **low flow rates in Jihlava River**.
- 6) **The results of water management balances** (or take-off security) have to be updated within the **documentation for building permit** based on the new data from the contractor of the NNS, as well as on the extended flow rate series of Jihlava River in the monitoring point Jihlava - Ptáčov, on updated values of minimum residual flow rate in the monitoring point Jihlava - Mohelno Downstream valid in that time and on further actually monitored data on climatic changes (temperatures, precipitation)
- 13) **Determining safety level of the NPP:** (...) b) for **severe accidents (design extension conditions with core melting)**, (...) according to the WENRA recommendations, which will ensure compliance with the following requirements: - the need of evacuation will be ruled at a distance of more than approximately 3 km on impacts of „New Nuclear Source at the Dukovany Site“ project on environment - the need of sheltering and iodine prophylaxis will be ruled out in distance greater than approximately 5 km - agricultural production at a distance of more than approximately 5 km will be suitable for consumption one year after the radiation accident - No **permanent relocation** will occur wherever beyond the premises of the power plant (this is interpreted for practical application as no permanent relocation in the distance from the reactor greater than 800 m)
- 14) **Cumulative effects of several nuclear installations on the site:** The NNS design solution must ensure protection of the NNS against consequences of a radiation abnormal occurrence at any other nuclear facilities situated at the site.
- 16) To include measures in the NNS design solution that would **reduce individual effective doses** of a representative person caused especially due to the discharge of liquid effluents (waste water) containing radioactive substances from NNS
- 17) **Trying to respond to climate change and scarcer water supply:** To monitor continuously the **development of climatic conditions** within further phases of the project preparation and in case of provable changes, react to them in the project preparation especially with regard to assuring NNS **demands for water**
- 21) **Water quality management:** The optimization of water management should be strongly emphasized in further project stages so that the water quality is not impaired in Jihlava downstream the waste water outlet object, as it is necessary to prevent deterioration of conditions of the involved water body.



Those procedures or how the measures developed and implemented to fulfill those requirements are fulfilled clearly have environmental impacts. Therefore it is important to know how the public can be involved.

Conditions for the phase of the project operation:

42) **Maintaining minimum residual flow rate in Jihlava river is** at least at the same value as during the operation of the existing NPP Dukovany at the monitoring point Jihlava-Mohelno downstream the Mohelno water reservoir after the NNS commissioning, which will ensure the protection of biotopes in Jihlava river within SCI CZ0614134 - Jihlava Valley taking into account the legislation valid at that time period

Conditions for monitoring and analyzing the project impacts on the environment:

45) **Monitoring water quality:** It should be ensured that the outflow rate of Jihlava River from the Mohelno Water Reservoir will be monitored with regard to physical – chemical parameters (temperature, oxygen content, pH, amount of organic substances, nitrogen, phosphorus, and other substances stipulated in the water right decision) each year after putting the NNS into trial operation; the monitoring of the water plants biotopes should be conducted as an indicator of discharged water quality in Jihlava River within SCI CZ0614134 - Jihlava Valley once each 5 years at minimum; the results from mapping the structure and extent of these biotopes in the years 2013, 2014 and 2016 might be used as comparison values; **if the condition of these biotopes deteriorates, corrective measures should be adopted.**

46) **Measuring of the tritium concentration level** in this water It should be ensured that the rain water discharged from the NSS premises to the catchment basin of Olešná water course will be regularly (at least 4 times a year) monitored with regard to their pollution, including the measuring of the tritium concentration level in this water, so that the protection subjects of SCI CZ0623819 - Rivera Rokytňá are not affected; the scope of monitored indicators will be discussed and agreed with the competent water right authority.

Those EIA conditions listed above are not determined yet and will be decided in the procedures later (Atomic Act and Building Act). Simply put: The public and NGOs can only participate in procedures under the Building Code. But the procedures following up the EIA are mostly under the Atomic Act, participants limited to the nuclear regulator SUJB and utility/project applicant (CEZ).

The following licences are granted under the Atomic Act:

a) siting of the nuclear facility, b) construction of the nuclear facility, c) first physical start-up of the nuclear facility with a nuclear reactor, d) first energetic start-up of the nuclear facility with a nuclear reactor, e) start of operation of the nuclear facility with a nuclear reactor, f) operation of a nuclear facility, g) individual phases of decommissioning of a nuclear facility, h) implementing of changes impacting nuclear safety, technical safety and physical protection of the nuclear facility



Looking at this question from the point of view of the EIA, we see that the subsequent procedures are listed in the EIA law but without mentioning the Atomic Act⁴.

Conclusion: While the Conditions for the phase of the project operation a Conditions for monitoring and analyzing the project impacts on the environment are defined under the Building Act (siting), the decisions are taken before under the Atomic Act. The Building authority has no competence to assess those decisions taken by the Nuclear Regulator under the Atomic Act such as siting of the nuclear facility, radioactive emissions and the level of nuclear safety in general. The public is completely excluded.

In § 49 progress review we reported on the Building Act amendments. This act however is still undergoing major preparations before it will be agreed upon, as mentioned by the Czech government representative during the hearing on March 13th.

Other problems with the EIA for NPP in the CR, both Dukovany and Temelin:

EIA was not conducted for a specific reactor type but rather in the so-called black box procedure. Not even the planned output of the plants was stated, which has direct effect on water supply and severe accident consequences and other impacts. No alternatives were assessed and compared based on their impacts on the environment, only a new NPP at the given site.

A general problem with the EIA consists in the fact that clearly connected and even indispensable projects are not part of the EIA for the construction but are postponed. E.g.: Interim storage (the experts statement simply announces that this will not be necessary for the first 10 years or the plant's operation) and similarly the treatment concerning the final repository for spent fuel, where the EIA concluded that "it is not possible to make a connection between the plan of a new nuclear power plant and the repository, which will also be used for storing spent fuel or radioactive waste from other sources"⁵.

⁴ <https://www.zakonyprolidi.cz/cs/2001-100?text=navazuji%C3%ADc%C3%AD>.

⁵ Page 378 in the Czech Version.