



The merits of having a ‘binding’ political decision on a nuclear power programme before going into the licensing process

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Binding political decision – Why so important?

1. **Political control over nuclear power investments** – a high level decision: Parliament, Head of State, CoM, etc...
2. **Government confirmation of benefits of nuclear power and its role for the future national energy mix**
2. **Strong signal to nuclear industry that nuclear programme will be continued**
3. **Positive effect on public support for nuclear**
4. **Positive impact on building human resources for nuclear industry**
5. **Lessons-learned from the delayed/failed nuclear projects abroad** (e.g. Zwentendorf case)

Decision-in-principle under Nuclear Investment Act (Act on the preparation and implementation of investments in the construction of nuclear facilities and accompanying infrastructure '2011)

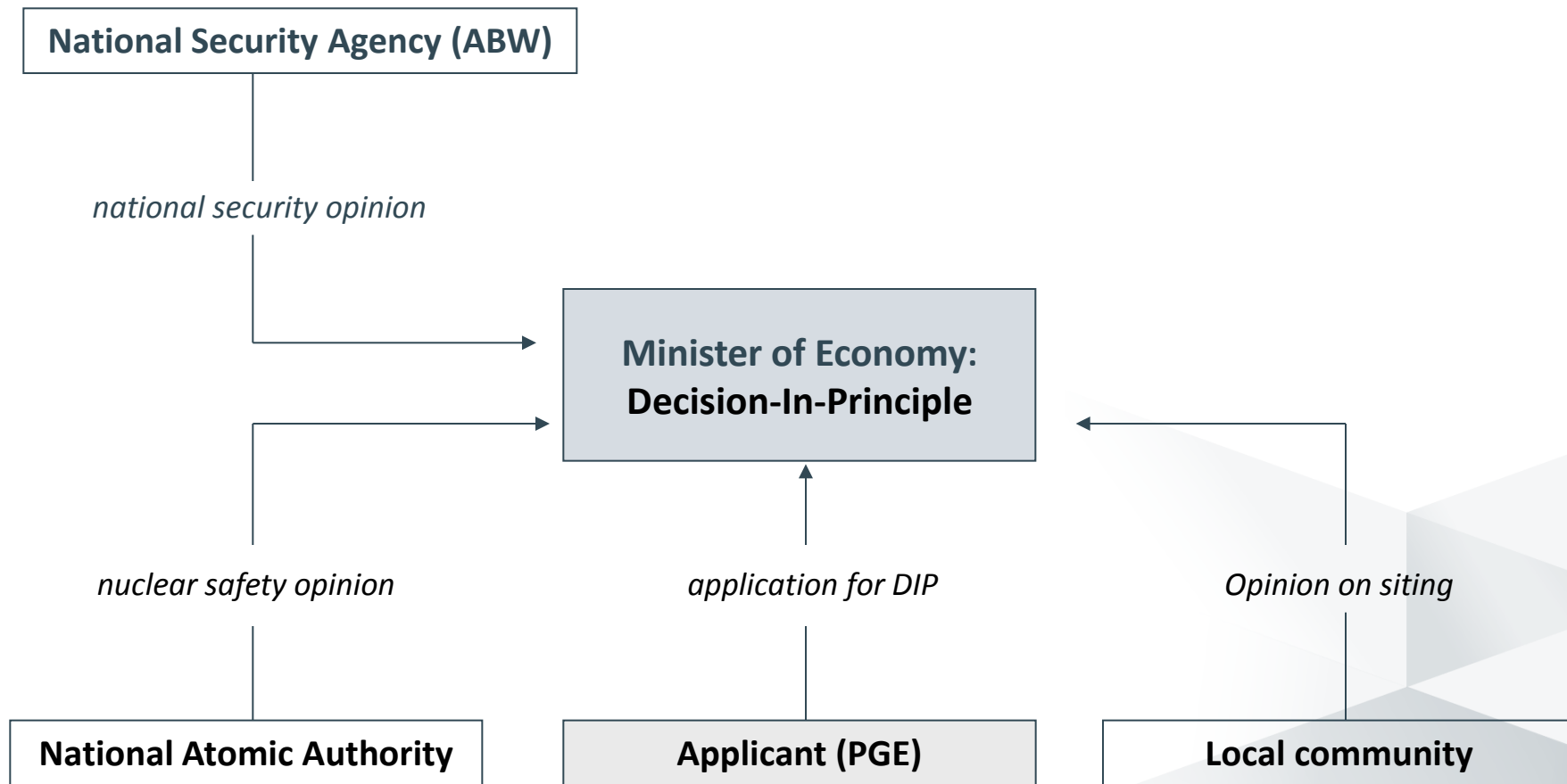
- Issued for a **specific** project:

AFTER

- Siting decision
 - Technology selection
 - Financing model selection
-
- DIP necessary to apply for:
 - Preliminary work permit (ground levelling, deconstructions)
(art. 17.1)
 - Construction work permit (Art. 15 par. 4)
 - Perpetual usufruct of the site (Art. 30)



Decision-in-principle under Nuclear Investment Act (2)



Separating political and technical phases of a nuclear power programme...

- Introducing Nuclear Power Programme
- Transboundary consultations
- Environmental decision
- Siting decision
- **Decision-in-Principle**
- Construction licence (Atomic Law)
- Construction permit (Construction Law)
- Commissioning licence
- Operation licence

Under Polish law – no need for parliamentary approval nor national referendum...

Nationwide referendum

- in respect of matters of particular importance to the State – the right to order vested in the Parliament – EU, EURO? (art. 125 of Constitution)
- amending certain constitutional provisions (art. 235 of Constitution)

Local referendum

- Optional: in matters concerning their community (art. 170 of Constitution) – non-binding referendum in Gąski

... but local support taken into consideration.

Political support for nuclear power in Poland

2009	<p>CoM resolutions:</p> <ul style="list-style-type: none"> -launching preparations of the Polish Nuclear Power Programme -establishing Commissioner for the Nuclear Power Programme, -approval of Energy Policy for Poland until 2030
2010	<p>Poland joins Nuclear Energy Agency/OECD</p>
2011	<p>Nuclear Investment Act, and further pro-nuclear legislation, passed (414 votes „pro”, 1 - „against”, 5 - „DK”. Vote take in May 2011 – just 2 months after Fukushima, but no impact on political support for nuclear - big difference with post-Charnobyl case of Zarnowiec)</p>
2013	<p>CoM resolution on Approval of Longterm Development Strategy for Poland until 2030</p>
2014	<ul style="list-style-type: none"> • Approval of the PNPP • Poland joined pro-nuclear petition of 10 EU countries to the European Commission to facilitate nuclear investments in Europe • Draft Polish Energy Policy 2050 (one of considered scenarios include 45-60% of nuclear in country's energy mix)

Final remarks

Poland is a nuclear newcomer...

while drafting nuclear law regarding licensing process we were analyzing all international standards and best practices of foreign countries...

Polish nuclear law reflects lessons learned from the above adapted to national legal framework...

Polish Decision in Principle should be seen in this light...

however...

No „once and for all” and „happily ever after”
(Germany, Switzerland, Italy...Żarnowiec)

Thank you for your attention

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