

Swiss voters refuse to limit lifetime of operating nuclear reactors

LALIVE



Switzerland | December 12 2016

Introduction

Switzerland hosts five operating nuclear reactors, which generated approximately one-third of the nation's electricity in 2015. The legislative framework regulating the peaceful use of nuclear energy in Switzerland combines a body of federal laws (eg, the Nuclear Energy Act 2003), executive ordinances (eg, the Nuclear Energy Ordinance 2004) and directives issued by the Federal Nuclear Safety Inspectorate (ENSI). However, these laws do not impose a time restriction on the operational lifetime of Swiss nuclear reactors.

Following the Fukushima nuclear power disaster in Japan in 2011, the Federal Council made the decision to progressively withdraw from nuclear energy production. Since then, in consultation with Parliament, the Federal Council has developed an energy plan called the Energy Strategy 2050, which sets various objectives and measures to achieve this goal. A first set of measures was submitted for consultation in September 2012 and was recently adopted by Parliament. While the measures propose, among other things, a ban on the construction of new nuclear power stations in Switzerland, they also allow Swiss nuclear reactors to "stay in operation for as long as they remain safe". In November 2012, concerned by the absence of set dates for the shutdown of nuclear reactors in the government proposals, the Green Party filed a popular initiative to amend the Federal Constitution and introduce a cap on the lifetimes of existing nuclear power plants in Switzerland. **Popular vote** Four years later, on November 27 2016, Swiss voters were called on to decide on the popular initiative "for an orderly withdrawal from the nuclear energy programme (Nuclear Withdrawal Initiative)". The initiative needed the support of a majority of the country's cantons and the national vote to pass – it was rejected by 54.2% of voters and 20 of the 26 cantons. The initiative called for a revision of the Federal Constitution to:

- ban the operation of nuclear power plants generating electricity; and
- shut down all of Switzerland's five existing nuclear reactors by 2029, notably by restricting their operational lifetime to 45 years.

This controversial feature of the initiative planned for the closure of three nuclear reactors by 2017, with the remaining two to be shut down in 2024 and 2029.

Popular initiative arguments Supporters highlighted the security concerns regarding the fact that three of the five nuclear reactors are among the oldest in the world.

However, the Federal Council and Parliament refused to endorse the popular initiative on several grounds:

- The Federal Council noted that the ENSI – the national regulatory body responsible for the safety and security of Swiss nuclear facilities – was the most competent authority to decide on Swiss nuclear plant safety and continuing operation.
- The Federal Council contended that the calendar fixed to shut down the nuclear reactors was too drastic and did not allow for the timely development of renewable energies to replace them.

- The Federal Council argued that closing all nuclear reactors by 2029 would increase energy imports from abroad, notably from coal-fired power stations in Germany and nuclear reactors in France.
- The Federal Council submitted that Switzerland lacked the adequate transmission network to safely distribute imported electricity.
- The Federal Council warned the taxpayer of the considerable compensation that the country would potentially be liable to pay to nuclear power plant operators to compensate them for early closure.

Comment

The rejection of the popular initiative could be interpreted as a leap of faith in the Energy Strategy 2050, which favours a more gradual withdrawal from the nuclear energy programme. If this strategy sends a strong message to investors not to invest in new nuclear power plant construction projects in Switzerland, it also hopes to manage the expectations of existing nuclear power plants operators and to provide a realistic timeframe for renewable energies to develop. Ultimately, the outcome of the vote re-emphasises the critical role of the ENSI in ensuring that Swiss nuclear reactors comply with nuclear safety requirements. Under the existing legislative framework, the ENSI remains the only competent authority to decide whether to close a Swiss nuclear reactor for safety reasons, even though the ENSI's independence has been questioned in the past. If the late George Stigler, 1982 Nobel Prize winner, is correct, and regulatory agencies are gradually being taken over by the regulated parties, scepticism is indeed indicated. The Federal Council and Parliament would be well advised to give the regulatory agency tighter guidelines regarding how the law and the Energy Strategy 2050 should be implemented and enforced. *For further information on this topic please contact Marc Veit or Simon Leimbacher at LALIVE by telephone (+41 58 105 2000) or email (mveit@lalive.ch or sleimbacher@lalive.ch). The LALIVE website can be accessed at www.lalive.ch.*

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