

Legislation on Energy Transition: a long-running (bad) soap opera

On 18th June 2014, the government unveiled parts of the draft legislation on energy transition, which is due to be voted on in early 2015. Incoherent, containing hidden clauses, with EDF's fingerprints all over it: it falls well short of the sweeping legislation required to bring about genuine transition.

A long-awaited piece of legislation

It goes without saying that in France, effective legislation on energy transition, based on reducing consumption and moving to renewables, is essential and urgent. We need measures and guidelines to ensure the speedy closure of ageing reactors to make way for the development of alternatives, and bring to an end the waste of billions of euros on an outdated technology. For months, reports have been piling up, like so many warning signs, reminding us of the need for a rapid change of direction: a study by Greenpeace on the estimated costs of the work needed to patch up old power stations; warnings from the Nuclear Safety Authority on the risks of extending the lifespan of reactors beyond 40 years; warnings from the Court of Auditors of a 21% increase over three years in the production costs of nuclear power.

Effective legislation on energy transition would also provide a clear answer to the famous proposal to “reduce the proportion of nuclear energy to 50% by 2025”, which can be interpreted any way one likes. Does it mean closing down the reactors, as required by the agreement between the Socialist Party and Europe Ecology-The Greens – and even as some high-ranking civil servants are advocating?¹ Or just allowing all forms of energy production to increase, which would then automatically mean a reduction in the proportion produced by nuclear power, as advocated by EDF?

A surreal press conference

But the legislation on energy transition, which should be being discussed this autumn and then voted on at the beginning of 2015, is a long way from meeting these challenges. The Minister of the Environment, Ségolène Royal, set the tone on 18th June of this year, at a press conference to unveil the draft policy.

After singing the praises of Green technology, denouncing “*punitive ecology*” (“*I have got rid of all the restrictive legal regulations*”), and a quarter of an hour of self-satisfaction about “her” achievements in Poitou-Charentes, Ségolène Royal launched into a detailed description of her plans for the electric car, “*The cleanest car in existence*”. Charging points, car parks, traffic lanes ... you name it! And the role of nuclear power in all of this? Completely side-stepped.

Still not satisfied, a journalist asks her: does she anticipate reducing the consumption of electricity, which is the only measure that would allow nuclear power stations to be closed? “*Look, there will be targets. We're not going to do battle over the figures,*” she answers curtly. Even so? “*We'll see. We'll see,*” she insists condescendingly. A representative from the Network “Sortir du Nucléaire” who has slid into the room, comes straight to the point: how does she envisage reducing the part played of by nuclear power? Does she intend to close power stations? “*We are not abandoning nuclear power; that is not the choice we have made. I would even go as far as to say that it is thanks to the nuclear energy we have today and the security it provides that we are able to bring*

¹ At the Parliamentary Inquiry on Nuclear Costs led by Councillor Denis Baupin (Deputy Mayor of Paris), members of the General Directorate of Energy and Climate surprised people when they said that renewable forms of energy, if combined with a reduction in the consumption of electricity, between now and 2025, would eliminate the need for about twenty nuclear reactors!

forward energy transition and achieve it smoothly.” Followed by, *“I don’t want the different forms of energy production to be set against each other; now is not the time for confrontations, for ideological battles.”* Presumably, while avoiding ‘confrontations’, she will also be dodging questions about the future of Fessenheim ...

EDF continues to direct energy policy

“The question is not a matter of who has control but of doing what is good for the country,” insists Ségolène Royal, apparently confusing the public interest with that of EDF. In fact, the text contains nothing that would impose any constraints on the energy company at all. No limits have been set on the operating lifetime of nuclear power stations. And above all, the government still has no power to close a nuclear power station as part of its energy policy. It will have to content itself with proposing directions as part of its Long-term Energy Programme which EDF are then bound to reject. But nothing guarantees that this will allow it to demand the closure of reactors. their nuclear power stations to be closed down. Ségolène Royal's words which speak of an *'intelligent and fruitful dialogue'* with EDF and her intention to respect the decisions of a company which is listed on the Stock Exchange also make one fear that the government does not dare to push for any major changes. The decision to make the necessary closures, given the age of the nuclear power stations, will have to wait ...

The legislation makes no explicit recommendations to reduce nuclear electricity production and leaves the door wide open to the progressive replacing of nuclear reactors. The impact study that accompanies the text of the draft also refers to the ‘marginal’ EPRs beyond 2030 and the development of new nuclear technologies over the next few decades. As a tiny concession to the ecologists, nuclear production will be capped at its current level: no new nuclear power stations will be brought on line unless others have been closed down. According to this logic, will we have to wait until the EPR is brought on line before the nuclear power station at Fessenheim is finally closed?

A surreptitious clause has been smuggled into the legislation

Not only does it lack any radical measures, but the text also contains two clauses on the subject of radioactive waste and in particular Cigeo, the proposed underground storage site in the Meuse! In fact, since December 2013, there has been a draft proposal on the subject of underground storage and the implementation of the 2011 European directive on radioactive waste (notably authorising EU countries to receive nuclear waste from other member countries). More than 50 associations wrote an open letter to the government demanding withdrawal of the clauses. However, at the beginning of June, Ségolène Royal maintained that all references to underground burial of radioactive waste had been withdrawn from the text, stating to the President of Friends of the Earth *“If they want to do it, they will, but not within the terms of MY legislation!”*

On the day of the press conference, there was no mention of Cigeo. But in the text that was sent the same evening to members of the National Council for Energy Transition, we were unpleasantly surprised to discover a clause recommending that the European directive be implemented and another proposing that a future burial site be decided *by decree*, even though it was supposed to be the subject of a legal process! We immediately voiced our objections along with the group BURE-STOP and Friends of the Earth.

On the evening of 20th June, we finally learnt that the government had in fact withdrawn the clause that dealt specifically with Cigeo (the clause concerning the European directive remained however), to the great displeasure of the local politicians involved in promoting the project. We need to remain vigilant and make sure that the withdrawal of the clause is permanent; but this small victory does show that mobilising can pay off!

The case is not yet closed! Between now and when the law is voted on, we will in any case continue to lobby all Deputies to try to counter the influence of EDF and to make them aware of the urgent need for of a genuine transition. To be continued...

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