



## Description of licensing procedure for new nuclear power plants (in accordance with the Swiss Federal Nuclear Energy Act)

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**General licence:** In the same way as the previous legislation, the provisions of the new Nuclear Energy Act call for a general licence that specifies the site, and in particular the reactor system and capacity. Applicants are required to demonstrate that they are able to dispose of the resulting radioactive waste. Licensing authority is the Federal Council. The time required for a **decision on 3 applications** is approximately 2.5 to 3 years. Its decision then has to be adopted by Parliament (duration: approximately 1 year).

The new legislation specifies that the decision by Parliament to approve the award of a general licence is subject to a facultative referendum. This means that with respect to the award of a general licence it is the electorate which has the final say.

Before the Federal Council can award a general licence, the application has to be examined and approved by the supervisory authorities. Anyone can appeal against their decisions, regardless whether they are directly involved. The site canton and neighbouring cantons and countries are now also included in the preparations for the decision regarding the award of a general licence, but the site canton no longer enjoys a veto right.

**Construction licence:** The construction licence now incorporates all other permits in the same way as licensing procedures for other major infrastructure projects, i.e. it is a co-ordinated procedure which also partially includes expropriation proceedings. In the past, the licensing procedure involved separate federal and cantonal permits in addition to the actual building permit. The construction licence is no longer the responsibility of the Federal Council, but is now awarded by the Swiss Federal Department of the Environment, Transport, Energy and Communications (DETEC). This step takes approximately 2 years, including the necessary studies and reports. When it issues a construction licence, DETEC simultaneously rules on all claims and appeals associated with expropriation rights.

With the new legislation it is now possible for appeals to be lodged with the Federal Administrative Court (and the Federal Supreme Court as final instance) against the award of a construction licence by DETEC. The appeals procedure may take up to 2 years. Here, the new legislation permits not only the directly involved parties to appeal, but also the site canton.

**Construction:** Before an operating licence can be issued, the facility concerned has to have been under construction for at least 4 to 6 years.

**Operating licence:** See first paragraph of section on construction licences. If an operating licence has been granted, the facility may be put into operation on a step-by-step basis as permitted by the supervisory authorities (approximately 4 years).

**The duration of a given procedure depends to a great extent on whether petitions and appeals are submitted, and whether any postponement effect caused by an appeal should be refused, in other words whether (for example) a nuclear power plant may still be put into operation despite a pending appeal. The duration also depends on political implications in Switzerland and in neighbouring countries.**

**A period of between 17 and 19 years has to be anticipated (with 3 pending licensing applications) from the initial submission of the licensing application until the commencement of operation of a new nuclear power plant.**