

Germany: Nuclear phase-out postponed for three and a half months

Michał Kędzierski

On 11 November the Bundestag adopted a draft amendment to the nuclear law (*Atomgesetz*) which allows the three nuclear power plants still in operation in Germany (Emsland, Neckarwestheim 2 and Isar 2) to continue operating until 15 April 2023 at the latest. According to the legislation currently in force, these power plants were to have shut down at the end of 2022. For the additional three and a half months of operation, they will only be able to use fuel rods which are already available: the amendment explicitly rules out the use of new fuel.

The decision is justified as a reaction to the current energy crisis in Europe caused by Russia's aggression against Ukraine, and is intended to contribute to securing electricity supplies for Germany during the upcoming winter. The parties of the ruling coalition (the SPD, the Greens and the FDP) voted in favour of the legislative changes proposed by the federal government, while the CDU/CSU and *Die Linke* were against; the AfD abstained from voting. The amendment to the law should be approved by the Bundesrat at its session on 25 November.

Commentary

- The German government's adoption of the draft amendment and its subsequent passage through the Bundestag were made possible by the decisive step which Chancellor Olaf Scholz (SPD) took on 17 October to resolve a dispute within the coalition between the minister for economy & climate action, Robert Habeck (the Greens), and the head of the finance ministry, Christian Lindner (FDP), which had been ongoing for some weeks. The former, in his capacity as minister responsible for the energy sector, proposed delaying the closure of only two of the nuclear power plants (Neckarwestheim 2 and Isar 2), keeping them as backup until 15 April 2023. Habeck's idea was that this would be a compromise solution: it would still be possible to meet the country's energy needs on the one hand, while on the other remaining acceptable to his own party, which opposes nuclear power for ideological reasons. This idea was blocked by Lindner, who called for all three power plants to remain on the grid (and not merely as backup) until mid-2024. As both the Greens and the FDP had invested considerable political capital in pushing their ideas in the debate, which had been ongoing since spring this year, neither side was prepared to back down. The resulting stalemate was only broken by Scholz, who – using his prerogatives as Chancellor – imposed a solution on the quarrelling ministers.

- Postponing the phase-out of all three nuclear power plants by three and a half months while abandoning the backup concept is an acceptable outcome for the parties in dispute. Since Scholz's decision was received positively by both Habeck and Lindner, and quickly (just two days later) adopted by the government, it cannot be ruled out that the Chancellor's decisive resolution of the dispute was staged to enable all the parties to settle the dispute with their dignity intact. Scholz displayed firm leadership and strengthened his image, while Habeck and Lindner received a solution that both took their principal demands into account (the FDP obtained the extension of the full operation of all three power plants) and did not cross their red lines (for the Greens, it would have been unacceptable to order new fuel rods, as that could have opened the way for a further postponement of the reactors' shutdown).
- The solution Scholz has imposed is seen as a success by the liberals, because by blocking the backup concept they forced a more far-reaching solution than that which Habeck proposed. The Greens, on the other hand, reacted with restraint, even though the amendment's final form is paradoxically closer to their demands (which, incidentally, most of the SPD also support): the withdrawal from nuclear power has been postponed by only three and a half months, and the option of using new fuel rods has been explicitly ruled out, a move which is supposed to close off any new discussion about extending the use of nuclear power. At the same time, however, the fact that nine Greens deputies voted against the amendment (including Jürgen Trittin, the former environment minister in Gerhard Schröder's cabinet, and the author of the 2002 law to cease nuclear use) shows that it will be very difficult to achieve many further compromises in this area.
- Postponing the decommissioning of the nuclear power plants and allowing them to generate electricity in winter – at a time of increased energy demand – on the open market rather than in backup mode will have a positive effect on the operation of the German (and more broadly, the European) electricity system. Due to the crisis within the coalition, which has been going on for some months, German power transmission grid operators (50Hertz, Amprion, TenneT, TransnetBW) had proposed the continued use of the power plants as a possible security solution. They recommended this in a special study on the resilience of the German power system to an emergency situation during the coming winter. Extending the operation of the three nuclear power plants until mid-April is expected to have the following effects: (a) it will enable the production of an additional 5 TWh of energy (i.e. slightly more than 3% of the projected consumption in that period); (b) it will reduce generation in gas-fired power plants (by 1–6 TWh, according to various estimates), which will allow the gas to be redirected to other sectors of the economy; (c) it will reduce the wholesale price of energy on the stock exchange by 4–12%; (d) reduce its import from neighbouring countries, and (e) facilitate the process of balancing of Germany's electricity system by reducing the risk of shortages.
- The passage of the bill will probably not end the debate on the further use of nuclear energy. Following Russia's aggression against Ukraine, the percentage of public supporters of this technology has now surpassed that of its opponents for the first time in over a decade, and opinions in favour of revising the present policy now predominate in the media. This latest amendment of the act is supported by 35% of the German public, while 55% of those surveyed would like the nuclear power plants still in operation to

continue past April 2023. Only 8% support their decommissioning at the end of this year (the Politbarometer survey of 21 October for ZDF television).

- The current pro-nuclear public mood is being politically exploited by the opposition CDU/CSU and the AfD. The Christian Democrats have submitted an alternative draft to the Bundestag, which envisages postponing the phase-out of nuclear power until the end of 2024. The liberals have not ruled out re-opening the discussion in the coming months either; like the CDU/CSU politicians, they have suggested that the energy crisis will last at least until mid-2024. Due to Germany's complete cut-off from Russian gas supplies, which cannot be fully replaced in the short term, it will be much harder to replenish its storage facilities before next winter than it has been this year. On the other hand, turning off the nuclear power plants may boost the generation of power from gas power plants, which would increase gas consumption, and make the process of storing it before the next heating season even more difficult.
- Any further revision of the government's decision will be politically very difficult to carry out, and the ban on the use of new fuel means that it will not be possible to directly extend the reactors' operation because the fuel rods currently available will have been used up by April 2023. In turn, it will take at least several months – and possibly a year or more – to obtain new fuel rods, during which time the nuclear plants would be forced to suspend operations.